

# Central Region Review



U.S. Army Environmental Center  
Central Regional Office  
Kansas City, Missouri



★ JULY 2005 ★

★ REGIONS 6 & 7 ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in federal Regions 6 and 7. Versar, Inc., in support of the Central Regional Environmental Office (CREO), prepares the *REVIEW* to assist you in your compliance efforts. Current and past issues of the *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil/usaec/reo/creo00.html>. Please e-mail [CREO.regulatory.specialist@nwk02.usace.army.mil](mailto:CREO.regulatory.specialist@nwk02.usace.army.mil) or call (816) 983-3327 if you have any questions or suggestions, or if you would like to subscribe to the *REVIEW*.

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## CENTRAL REGIONAL ENVIRONMENTAL OFFICE PERSONNEL DIRECTORY

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**Assistance in Environmental Regulations Impact.** In the past, CREO has successfully assisted installations in responding to environmental regulations that affect current operations. If you need assistance in this regard, please contact the CREO Chief/ DoD Region 7 REC at (816) 983-3449 or Regional Counsel at (816) 983-3448. CREO stands ready to assist you in resolving these types of issues.

**AELC Call for Army Environmental Legislative Proposals.** The US Army prepares and submits to the Office of the Secretary of Defense (OSD) proposals to address a wide variety of issues, including environmental laws and regulations, for subsequent submittal to OMB and to the Congress. In late 2002, the Army Environmental Legislative Committee (AELC) was established to, among other things, streamline the process for the Army's development of environmental and related legislative proposals for submittal to OSD.

AELC continuously solicits input for environmental legislative concepts/proposals for the Defense Authorization and Appropriations Bills. AELC then selects environmental concepts that the Army would like to pursue. Technical and legal support is provided to ensure that each concept is developed into a format consistent with DoD guidance for the submittal of legislative proposals. Submissions should be coordinated through your chain of command to your organization's AELC point of contact. More information may be obtained from the US Army Environmental Center at (410) 436-1220. USAEC serves as secretary and provides staff support to AELC.

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## REGION 6 STATE ACTIVITY

### Regulatory & Legislative Web Sites

Arkansas Department of Environmental Quality (ADEQ)	<a href="http://www.adeg.state.ar.us">http://www.adeg.state.ar.us</a>
Arkansas General Assembly	<a href="http://www.arkleg.state.ar.us/">http://www.arkleg.state.ar.us/</a>
Louisiana Department of Environmental Quality (LDEQ)	<a href="http://www.deq.state.la.us">http://www.deq.state.la.us</a>
Louisiana Legislature	<a href="http://www.legis.state.la.us/">http://www.legis.state.la.us/</a>
New Mexico Environment Department (NMED)	<a href="http://www.nmenv.state.nm.us/">http://www.nmenv.state.nm.us/</a>
New Mexico Legislature	<a href="http://legis.state.nm.us/">http://legis.state.nm.us/</a>
Oklahoma Department of Environmental Quality (ODEQ)	<a href="http://www.deq.state.ok.us">http://www.deq.state.ok.us</a>
Oklahoma Legislature	<a href="http://www.lsb.state.ok.us/">http://www.lsb.state.ok.us/</a>
Texas Commission on Environmental Quality (TCEQ)	<a href="http://www.tnrcc.state.tx.us">http://www.tnrcc.state.tx.us</a>
Texas Legislature	<a href="http://www.capitol.state.tx.us/">http://www.capitol.state.tx.us/</a>

### ARKANSAS

### Legislative/Regulatory Activity

The Arkansas legislature adjourned *sine die* on 13 May 2005. No significant regulatory activities reported for this reporting period.

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### LOUISIANA

### Legislative/Regulatory Activity

The Louisiana legislature adjourned *sine die* on 23 June 2005.

### STATE OF LOUISIANA LEGISLATION PASSED

**(Effective 15 August 2005) Louisiana H.B. 570 – Munitions.** H.B. 570 requires the Adjutant General to submit a report to the House Judiciary Committee and the Senate Judiciary B Committee on the scope and adequacy of training received by members of the armed forces on determining whether their service is likely to entail, or to have entailed, exposure to depleted uranium. The bill stipulates that the report shall also contain the feasibility of pre-deployment training regarding depleted uranium and prohibits the use of state funds for the depleted uranium testing proposed by this bill. This bill was introduced based on reports indicating that depleted uranium used in tanks was the primary cause for Gulf War Syndrome. Governor Babineaux Blanco signed the bill into law 16 June 2005 with an effective date of 15 August 2005. Sponsor: Representative Juan Lafonta (D)

**(Effective 15 August 2005) Louisiana H.B. 340 - Environmental Administrative Procedures.** This bill authorizes the Office of Environmental Assessment in the LA Department of Environmental Quality to provide for laboratory services. It also authorizes the Office of Environmental Compliance to issue necessary licenses, registrations, exemptions, and certifications of radiation sources. Governor Babineaux Blanco signed the bill into law 9 June 2005 with an effective date of 15 August 2005. Sponsor: Representative Nuncio Joseph Damico (D)

**(Effective 30 June 2005) Louisiana H.B. 388 – Groundwater.** H.B. 388 revises the definition of "critical groundwater area" to refer to an "area of groundwater concern." Moreover, it stipulates that when the sustainability of an area of groundwater concern cannot be maintained without groundwater withdrawal restrictions, the Commissioner of Conservation has been identified as the decision maker for designating an area a "critical area of groundwater concern." Governor Blanco signed the bill on 29 June 2005 with an effective date of 30 June. Sponsor: Representative Jim Fannin (D)

**(Effective 30 June 2005) Louisiana S.B. 188 - Environmental Crimes/Fines, Water, Pollution Prevention.** S.B. 188 revises criminal penalties for violations of the Louisiana Pollutant Discharge Elimination System (LPDES) and authorizes the costs of investigation and prosecution to be included as part of the criminal penalty. The bill also adds penalties for persons who knowingly and "willingly" endanger another person and make false statements pursuant to the LPDES. S.B. 188 has been a legislative priority for Governor Kathleen Blanco to

create harsher penalties for knowing and willful violations for wastewater discharge regulations. This bill would serve as a means to recover the costs of investigation, make the prosecutions of these crimes by district attorneys more cost effective, and provide a greater deterrent to those who willfully and knowingly violate the state's environmental laws. Governor Blanco signed the bill on 29 June 2005 with an effective date of 30 June Sponsor: Senator Heulette "Clo" Fontenot (R)

**(Resolution Authorized) Louisiana S.C.R. 6 - Electronic Scrap/Waste.** This bill requests the Senate Committee on Environmental Quality and the House Committee on the Environment to jointly study and make recommendations regarding recycling and disposal options relative to computers and other electronic equipment. It also requires a written report to the legislature no later than 30 days prior to the 2006 Legislative Session. The Senate and House passed the measure and then sent it to the Secretary of State on 10 June 2005 who then filed the bill on 13 June 2005. The committees are now authorized to undertake this study. Sponsor: Senator John Schedler (R)

**(Resolution Authorized) Louisiana S.C.R. 53 - Electronic Scrap/Waste.** This bill requests LDEQ to develop a strategy for the proper management of electronic discards, including making recommendations for the recovery of components from discarded electronics and for the reduction of landfilling or incinerating discarded electronics. The Senate and House passed the measure and then sent it to the Secretary of State who then filed the bill on 13 June 2005. LDEQ is authorized to undertake this study. Sponsor: Senator Heulette "Clo" Fontenot (R)

## STATE OF LOUISIANA PROPOSED LEGISLATION

(UPDATE) **Louisiana H.B. 428 - Renewable Portfolio Standards, Land Use.** This bill authorizes the State Mineral Board in conjunction with the Secretary of the Department of Natural Resources to lease state lands and water bottoms for the exploration, development, and production of energy from wind. The bill was sent to Governor Kathleen Blanco on 27 June 2005 for signature. The governor has 20 days to sign or veto this measure. Should the Governor take no action, this bill will automatically become law. To view the bill, please go to <http://www.legis.state.la.us/billdata/streamdocument.asp?did=295402>. Sponsor: Representative Wilfred Pierre (D)

## STATE OF LOUISIANA FINAL RULES

**(Effective 20 June 2005) LA Department of Environmental Quality Final Regulation: Adoption of a New Chapter to Establish Procedures for Security-Sensitive Information (OS061) (LAC 33:I.601, 603, 605, 607 and 609).** LDEQ has adopted a new chapter to its administrative procedure regulations. The chapter defines such information, establishes who is responsible for declaring information as security-sensitive, establishes submission procedures for such information, and outlines how the Department will treat such information. The regulations were final, effective 20 June 2005. The final chapter is available at <http://www.deq.louisiana.gov/planning/regis/pdf/OS061fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(Effective 15 June 2005) LA Department of Environmental Quality Final Emergency Rule: Adoption of Revised 8-Hour Standard (AQ253E) LAC 33:III.111.504, 607, 711, 2201 And 2202).** The Department has promulgated an emergency rule to adopt the revised federal 8-hour National Ambient Air Quality Standards (NAAQS) for ozone. This standard replaces the previous 1-hour standard. The rule also revises the non-attainment new source review provisions for parishes that were reclassified from severe under the 1-hour standard to marginal under the 8-hour standard. The emergency rule was final, effective 15 June 2005. The rule will remain in effect for 120 days or until a new rule is promulgated. The emergency rule is available at <http://www.doa.state.la.us/osr/emr/0506EMR050.htm>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(Effective 10 June 2005) LA Department of Environmental Quality Final Emergency Rule: Alternative Penalty Assessment Mechanism for Penalty Agreements (OS054E3) (LAC 33:I.801, 803, 805, and 807).** LDEQ has re-adopted an emergency rule intended to abate the delay in correcting minor and moderate violations of the Environmental Quality Act. The rule provides an alternative penalty assessment mechanism that the department may use, at its discretion, to expedite penalty agreements in appropriate cases. This rule is part of a pilot program and helps LDEQ gather information to formulate a long-term rule. As part of an expedited penalty agreement, the rule allows the Department to assess predetermined penalties for specific types of violations and provides a table that sets out such penalties. The total penalty assessed for an expedited penalty

agreement cannot exceed \$1,500 for one violation or \$3,000 for two or more violations per penalty assessed. The rule specifies that an expedited penalty agreement can only be used when nine factors for consideration are satisfied. The emergency rule that was effective 10 February 2005 has been extended, effective 10 June 2005. The emergency rule will remain in effect for a maximum of 120 days or until a permanent rule is promulgated. The most recent version of the rule is available at <http://www.deq.state.la.us/planning/regs/pdf/OS054E4.pdf>. For additional information, please contact Mike D. McDaniel at (504) 342-1201

**(Effective 20 May 2005) LA Department of Environmental Quality Final Regulation: Miscellaneous Corrections to the Air Quality Regulations (AQ248) (LAC 33:III.507, 1509 and 2305).** The Department has adopted amendments to make miscellaneous corrections to its air quality regulations. The amendments revise a reference in the Part 70 operating permits program in order to standardize reporting procedures for upset provisions. The amendments also correct the measurement unit for hydrogen sulfide that is exempt from flaring or combustion control measures. The regulations were final, effective 20 May 2005. The final amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ248fin.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

## STATE OF LOUISIANA PROPOSED RULES

**(UPDATE) LA Department of Environmental Quality Proposed Regulation: Housekeeping Amendments to Environmental Regulations (OS063) (LAC 33:I, III, V, VII, IX and XI).** LDEQ has proposed amendments to make "clean up" changes to its environmental regulations. The amendments update the air, hazardous waste, solid waste, water quality, and underground storage tank regulations. The amendments also correct typographical errors, update references, and revise wording in order to make the regulations consistent. The amendments were forwarded to the Legislative Oversight Committee for review 6 June 2005. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/OS063pro.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

**(UPDATE) LA Department of Environmental Quality Proposed SIP Revision Published 20 August 2004: Revision to Shreveport-Bossier City Early Action Compact Air Quality Improvement Plan (0408Pot1).** LDEQ has proposed a revision to the State Implementation Plan (SIP) for the Shreveport-Bossier City Metropolitan Statistical Area Early Action Compact Air Quality Improvement Plan. The revision concerns the EPA commitment not to re-designate areas participating in the EAC Program as non-attainment after a designation of attainment. The commitment not to re-designate areas as non-attainment stands even if an area subsequently violates the 8-hour ozone standard during the term of the early action compact. The Shreveport-Bossier City area was designated as attainment for the 8-hour ozone standard on 15 June 2004. USEPA has proposed approving this revision and accepted written comments on the proposal through 13 June 2005. For additional information, please call Vivian Aucoin at (225) 219-3575.

**(UPDATE) LA Department of Environmental Quality Proposed Regulation: Incorporation by Reference of Federal New Source Performance Standards (LAC 33:III.Chapter 30).** LDEQ is discussing revisions to its regulations that govern New Source Performance Standards (NSPS). The amendments incorporate by reference federal updates to (1) the Part 70 operating permits program; (2) capture efficiency test procedures for organic compounds emission control; (3) the National Emission Standards for Hazardous Air Pollutants for Source Categories; and (4) chemical accident prevention and minimization of consequences. The Department held a public hearing on 28 June 2005. Comments were due on 28 June. The proposed amendments are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ251ftpro.pdf>. For additional information, please call Teri Lanoue at (225) 219-3181.

**(UPDATE) LA Department of Environmental Quality Proposed Regulation: Updates to the State Implementation Plan to Include 2004 Air Quality Regulation Revisions (0503Pot1) (LAC 33:III.Chapters 2 and 21).** LDEQ has proposed revisions to the State Implementation Plan (SIP) that update the state air quality regulations in 2004. These updates include the addition of a new fee number to distinguish between Title V and other facility criteria pollutant fees, and the clarification of instrumentation systems requirements for fugitive emissions control and fugitive emissions control in non-attainment areas for consistency with federal fugitive rules. Staff has submitted the revisions to USEPA. The updated notice is available at <http://www.deq.state.la.us/planning/regs/pdf/0503Pot2.pdf>. For additional information, please contact Judith Schuerman at (225) 219-3550.

(UPDATE) **LA Department of Environmental Quality Proposed Regulation Published 20 December 2003: Toxicity Equivalency (TEQ) Concept in Dioxin Criteria - WQ052 (33 LAC IX.1113)**. LDEQ has proposed a rule to incorporate the TEQ concept for dioxin exposure in water quality standards by using Toxicity Equivalency Factors (TEFs). The Department believes using TEFs allow a more accurate estimate of human health risks associated with exposure to dioxin and dioxin-like compounds. The TEQ concept is used to estimate the risks associated with exposure to chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (CDD/CDF), as well as 2,3,7,8-TCDD. This procedure uses a set of derived TEFs to convert the concentration of any CDD/CDF congener into an equivalent concentration of 2,3,7,8 -TCDD. Currently, both EPA and WHO recommend incorporating the TEQ concept as a better estimate of risk than using dioxin. Staff reports that the Department did not finalize the rulemaking by the deadline set by the Administrative Procedure Act. Staff reports that the Department expects to review the rule before the end of 2005. *For additional information, please call David Hughes at (225) 219-3590.*

(UPDATE) **LA Department of Environmental Quality Proposed Regulation: Revisions to the Part 70 General Air Permit Template (0410Pot1)**. LDEQ is proposing to revise the template for the Part 70 General Air Operating Permits and is accepting comments on the proposed "Facility-Specific Requirements" section that lists regulations might apply to a facility that submits an application for the permit. The public is also invited to comment on the language of specific requirements that might be included in a facility's permit. Staff reports that the Department hopes to post revised drafts for public review in June or July 2005. *For additional information, please call Keith Jordan at (225) 219-3004.*

(UPDATE) **LA Department of Environmental Quality Proposed Regulation: Proposal to Adopt Federal and State New Source Review Standards (AQ246F and AQ246L) (LAC 33:III.509)**. The Department is proposing amendments to its Prevention of Significant Deterioration regulations. The amendments adopt federal revisions, that include changes to the methods for calculating emissions before and after changes to a source; the addition of a clean unit exclusion for emissions increases from units with controls installed in the last 10 years; the addition of an exclusion for certain projects which increase emissions of one pollutant while decreasing emissions of another pollutant; and a provision that allows facilities to trade emissions increases and decreases under an emissions cap. LDEQ are also making state-specific revisions to the regulations that differ from the federal changes. These revisions delete the demand growth exclusion included in the federal rule. The revisions also reduce the allowable timeframe for automatic designation of "clean unit status" from 10 to 5 years and will not allow comparable controls in place of BACT or LAER (Lowest Achievable Emission Rate). The revisions allow only one baseline period to be selected for the calculation of emissions from multiple units or of multiple pollutants. Additionally, the revisions will not allow projection of malfunction emissions, but will add consequences for the underestimation of projected actual emissions, and clarify what activities equal routine maintenance, repair and replacement. The Department will hold a hearing on the proposals 26 July 2005. Comments are due on 2 August 2005. LDEQ has issued the federal (AQ246F) and state (AQ246L) revisions that are available at <http://www.deq.state.la.us/planning/regs/pdf/AQ246Fpro.pdf> and <http://www.deq.state.la.us/planning/regs/pdf/AQ246Lpro.pdf>. *For additional information, please contact Keith Jordan at (225) 219-3004.*

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**Louisiana Environmental Regulatory Code Now Available.** The Louisiana Department of Environmental Quality has published the 2005 editions of the Environmental Regulatory Code. To check availability, please go to [http://www.deq.louisiana.gov/planning/regs/regs\\_erc.htm](http://www.deq.louisiana.gov/planning/regs/regs_erc.htm). To view and/or print the 2005 ERC internet version, please go to <http://www.deq.louisiana.gov/planning/regs/title33/index.htm#Title33>. To order a copy of the 2005 Environmental Regulatory Code, please go to <http://www.deq.louisiana.gov/planning/regs/ercform.pdf>.

**(Effective Immediately) EPA Final Authorization of State Hazardous Waste Management Program Revision, Louisiana.** The State of Louisiana applied to the EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because EPA believes this action is not controversial and do not expect comments that oppose it. Unless EPA receives written comments that oppose this authorization during the comment period, the decision to authorize Louisiana's changes to its hazardous waste program will take effect. If EPA receives comments that oppose this action, EPA will publish a document in the Federal Register withdrawing this rule before it takes effect, and a separate

document in the proposed rules section of this Federal Register will serve as a proposal to authorize the changes. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-10/f11469.htm>.

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## STATE OF NEW MEXICO FINAL RULES

**(Effective 13 June 2005) Albuquerque/Bernalillo Air Quality Control Board Final Regulation Published 31 May 2005: Amendments to Transportation Conformity Regulations (20.11.3).** The Board has adopted amendments to its transportation conformity regulations that incorporate federal changes made through 1 July 2004. These changes include criteria and procedures for transportation conformity under the new 8-hour ozone and PM<sub>2.5</sub> standards and when clarification will and will not apply to areas with Early Action Compacts. The amendments also make local revisions that include an amended local interagency consultation process that include emission models for PM<sub>2.5</sub> for evaluations of alternative transportation control measures. The regulations were final, effective 13 June 2005. *For additional information, please call Catalina Lehner at (505) 768-2638.*

**(Effective 23 May 2005) NM Department of Environment Final Regulation Published 15 May 2005: Triennial Review of Water Quality Standards (20.6.4).** The Department finalized amendments to water quality standards to protect designated uses of irrigation, livestock watering and wildlife habitat as required by the Clean Water Act. The standards for sulfate and chloride, among others, are now part of the Triennial Review. The regulations were final, effective 23 May 2005. The Department published a correction of typographical and non-substantive errors to the final rule in the 30 June 2005 issue of the New Mexico Register. *For additional information, please contact Jane DeRose-Bamman at (505) 476-3671.*

## STATE OF NEW MEXICO PROPOSED RULES

**(NEW) Albuquerque/Bernalillo Air Quality Control Board Proposed Regulation Published 15 June 2005: New Regulations for Control of Landfill Emissions and Amendments to New Source Performance Standards (20.11.63 NMAC and 20.11.71 NMAC).** The Board has proposed new regulations to establish requirements for the control of non-methane organic compound (NMOC) emissions from municipal solid waste landfills. The regulations incorporate applicable federal regulations by reference. In conjunction with the new regulations, the Board proposes the adoption of a local implementation plan for the control of NMOC from municipal solid waste landfills in Bernalillo County. The Board also proposes amendments to its new source performance standards for stationary sources. The amendments delegate authority to the Board to administer regulations that govern standards of performance for municipal solid waste landfills and that govern emissions guidelines and compliance times for municipal solid waste landfills. The Board will hold a public hearing 10 August 2005. Comments are due 3 August 2005. Anyone that wishes to present technical testimony at the hearing must submit notification to the Board by 3 August 2005. *For additional information, please contact Neil Butt at (505) 768-2600.*

**(UPDATE) NM Environment Department Proposed Regulation: General Revisions to Solid Waste Rules (20 NMAC 9.1).** The Department has proposed amendments to its solid waste rules. The amendments include the following revisions: (1) the addition of freezers and water heaters to the definition of "white goods"; (2) the addition of septage to the list of materials prohibited from disposal at solid waste facilities; (3) a waiver of most requirements for recycling and composting facilities (to encourage recycling and composting); (4) the addition of community impact report requirements for all new landfills; (5) the addition of requirements for facilities required to submit nuisance abatement plans; and (6) the addition of requirements to the existing groundwater monitoring plan and groundwater systems requirements. The Department posted a draft on its website and accepted informal comments on the posted draft. The Department will hold public hearings 6, 8, 11 and, 12 July 2005. Comments are due 22 July 2005. The proposal is available at <http://www.nmenv.state.nm.us/swb/Updated%20SWMR%20Draft%206-6-05.doc>. *For additional information, please contact Cindy Padilla at (505) 827-2775.*

**CREO Comment:** The solid waste regulations are being updated and CREO is developing comments to the proposed updates.

(UPDATE) **NM Environment Department Withdrawn Regulation Published 31 August 2004: Revisions to Title V Permit Regulations (20.2.70)**. NMED is discussing revisions to its Title V Operating Permit regulations. The revisions clarify the Department's use of air quality modeling analyses in Title V permitting. The revisions also clarify how state ambient air quality standards apply to the permit program. Additionally, the revisions add language that demonstrates how the modeling requirements comply with state and national ambient air quality standards. Staff reports that the Department has withdrawn the petition to revise 20.2.70 NMAC. *For additional information, please contact Rita Trujillo at (505) 955-8024.*

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

(NEW) **NM Environment Department Departmental Discussion: Amendments to Adopt Federal Revisions to New Source Review and PSD regulations (20.2.74 NMAC and 20.2.79 NMAC)**. The Department is discussing amendments to its New Source Review (NSR) and Prevention of Significant Deterioration (PSD) regulations. The amendments would incorporate federal NSR and PSD revisions through 31 December 2002. The Department is currently working on a draft and has tentative plans to hold a public hearing in November 2005. *For additional information, please contact Rita Trujillo at (505) 955-8024.*

(UPDATE) **NM Environment Department Draft Amendments: Plans for State Delegation for the NPDES Permit Program**. NMED is proposing to seek state delegation for the National Pollution Discharge System (NPDES) permit program from EPA. The NPDES permit program is authorized by the federal Clean Water Act to control water pollution through regulation of point sources that discharge pollutants into waters of the United States. Delegation of the program allows New Mexico to take authority over the quality of its water resources rather than deferring to the federal government. Staff reports that the Department sent an initial draft of the regulations to USEPA for comments on 6 June 2005. The Department scheduled informational meetings regarding the proposed NPDES authorization transfer for 21 and 22 July 2005. Further information on the delegation process is available at <http://www.nmenv.state.nm.us/swqb/NPDES/index.html>. *For additional information, please contact Marcy Leavitt at (505) 827-2918.*

**CREO Comment:** It is recommended that all potentially affected installations should go to the web site identified above and carefully review the contents of the page including the links. EPA Region 6 assured the Air Force and the Army that several public meetings would be held before ruling on state NPDES delegation.

(UPDATE) **NM Environment Department Departmental Discussion: New Regulation to Address Airborne Dust**. NMED is discussing the possibility of adding a dust regulation to its air quality regulations. The regulation could apply to sources such as construction activities, unpaved roads and parking lots, agricultural activities and materials storage and handling. The Department held a public meeting to solicit comments regarding the possible regulation on 2 December 2004. Staff reports that plans to organize a stakeholder group and to post draft regulatory language continue to be delayed. *For additional information, please contact Andy Berger at (505) 955-8034.*

**CREO Comment:** NMED has been informed that the US Army wishes to participate in any stakeholder workgroup that is formed.

### **EPA Withdrawal of Approval and Promulgation of Air Quality Implementation Plans;**

**Albuquerque/Bernalillo County**. On 14 April 2005, EPA published a direct final rule approving revisions to the New Mexico State Implementation Plan (SIP) concerning the second ten-year carbon monoxide (CO) maintenance plan for the Albuquerque/Bernalillo County, New Mexico area. The revision was based on a request from the State submitted to EPA on 7 September 2004. In the proposed rules section of the 14 April 2005 Federal Register (71 FR 19723), EPA stated that written comment must be received by May 16, 2005. EPA received written adverse comments during the public comment period on its 14 April 2005 rulemaking action. EPA is withdrawing this final rule due to the adverse comments received on this rulemaking action. In a subsequent final rule, EPA will summarize and respond to written comments received and take final rulemaking action on this requested New Mexico SIP revision. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/June/Day-08/a11272.htm>.

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The Oklahoma legislature adjourned *sine die* on 27 May 2005.

## STATE OF OKLAHOMA FINAL RULES

**(Effective July 2005) OK Department of Agriculture Final Regulation Published 11 July 2005: Amendments to Water Quality Standards Implementation Regulations (OAC 35:45).** The Department has adopted amendments to its water quality standards implementation plan regulations. The plan identifies how environmental programs within the Department comply with state water quality standards. The amendments: (1) make administrative changes; (2) add definitions for "Method Detection Limit" and "Practical Quantitation Limit"; (3) add elements to the groundwater quality standards; and (4) add municipal process and cooling water as beneficial uses of groundwater. The regulations are final, effective 11 July 2005. *For additional information, please contact Teena Gunter (405) 522-4576.*

**(Effective 1 July 2005) OK Water Resources Board Final Regulation Published 1 June 2005: Amendments to Stream Water Appropriation and Well Drilling Requirements (OAC 785:1, 785:20 and 785:35).** The Board has adopted amendments to its water resources regulations that add permit conditions to new stream water appropriation permits issued by the Board that are intended to protect navigation use of the water. Additionally, the amendments add a new reason for the non-use of a water right by a permit holder acceptable to the Board. If a permit holder can prove to the Board that the holder made a significant expenditure to build an infrastructure necessary for water use but that the water has not been used due to lack of demand, the holder may avoid the reduction or cancellation of that water right. In addition, the amendments add an exemption to the continuing education requirements for the certification of well drillers and operator certifications. The regulations were final, effective 1 July 2005. *For additional information, please contact Michael Mathis (405) 530-8800.*

**(Effective 1 July 2005) OK Water Resources Board Final Regulation Published 1 June 2005: Amendments to Water Quality Standards Implementation Regulations (OAC 785:46).** The Board has adopted amendments to its water quality standards implementation regulations. The amendments make a variety of changes, some of which include: 1) revisions to testing procedures to allow additional practices; the addition of references for chlorides, sulfates, and total dissolved solids criteria; and 2) revisions to the requirements for the determination of whether a beneficial use for a waterbody is supported. The regulations were final, effective 1 July 2005. *For additional information, please contact Derek Smithee at (405) 530-8800.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 1 June 2005: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-3-1, 205-3-2, 205-21-5).** ODEQ adopted amendments to OAC 252:205, Subchapter 3 that adopt by reference the federal hazardous waste regulations found in 40 CFR revised as of 1 July 2003. This action amends the rules that were adopted by reference in January 2003, regarding zinc fertilizers made from recycled hazardous secondary materials; national treatment variances for radioactively contaminated batteries; and standards for hazardous air pollutants for hazardous waste combustors. The Department has adopted amendments to Federal delisting rules previously adopted by reference. This rulemaking adds a new Subchapter 25 to the Department rules to implement the delisting program in Oklahoma. A proposed new Appendix D adds a new application fee to the basic fee for delisting applications. A new Appendix E will require that the application include, the facility name, location, and delisted waste, upon completion of the delisting process. The regulations were final, effective 15 June 2005. *For additional information, please contact Gail Hamill at (405) 702-5100.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 1 June 2005: Amendments to Emissions Standards For Hazardous Air Pollutants (OAC 252:100-41-15).** The Department has adopted amendments to its regulations that govern emissions control for hazardous air pollutants and toxic air contaminants. The amendments update the effective date for the incorporation by reference of federal standards to include new national emission standards for hazardous air pollutants. The regulations were submitted for legislative and gubernatorial review on 10 March 2005. Staff notes that ODEQ has National Emissions Standards for Hazardous Air Pollutants (NESHAP) program delegation from EPA and may enforce the amendments before the incorporation by reference updates. The regulations were final, effective 15 June 2005. *For additional information, please contact Lisa Donovan at (405) 702-4100.*

**(Effective 15 June 2005) OK Department of Environmental Final Regulation Published 1 June 2005: Revisions to the Hazardous Waste Regulations through the Adoption of Federal Amendments (OAC 252:205-3-1).** ODEQ has adopted amendments to its hazardous waste regulations by reference of the federal regulations. The amendments incorporate the regulations as of 1 July 2004 and include a revision to the used oil management standards. The regulations were final, effective 15 June 2005. *For additional information, please contact Gail Hamill at (405) 702-5100.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 1 June 2005: Updates to Water Quality Permitting Standards (OAC 252:4-7-73, 252:4-7-74, 252:606-1-4, 252:611-1-3).** ODEQ has adopted amendments to its water quality permitting and general water quality standards. The amendments revise permit procedural rules to add permit categories that were inadvertently omitted from the permit process regulations. The amendments also update the Oklahoma Pollutant Discharge Elimination System standards to incorporate by reference federal changes as of 1 July 2004. Additionally, the amendments update the general water quality regulations to incorporate by reference federal changes as of that date. The regulations were final, effective 15 June 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 1 June 2005: Amendments to Requirements for Non-industrial Wastewater (OAC 252:619, 252:621-1-1).** ODEQ has adopted amendments to its non-industrial wastewater rules that consolidate all of the rules for non-industrial total retention lagoon systems into a new Chapter 619. The amendments also adopt revisions in Chapter 621 that are applicable to non-industrial flow-through impoundments and public water supply impoundments. The revisions would also apply to the land application of wastewater from these impoundments. The regulations were final, effective 15 June 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 1 June 2005: Amendments to Water Quality Standards Implementation Rules (OAC 252:690-3).** ODEQ adopted amendments to its regulations that implement state water quality standards. The amendments update the incorporation by reference of federal rules as of 1 July 2004. The amendments also revise the 7Q2 calculation procedure as well as revise background and ammonia monitoring requirements. Additionally, the amendments make revisions to the requirements for Whole Effluent Toxicity testing. The regulations were final, effective 15 June 2005. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(Effective 15 June 2005) OK Department of Environmental Quality Final Regulation Published 15 December 2004: Review of Industrial Wastewater Systems Regulations (OAC 252:616).** ODEQ adopted regulations for industrial surface impoundments and for the land application of industrial sludge and wastewater. These adopted amendments revise the language of the regulation for clarity and for consistency with other rules and prohibit the land application of industrial sludge in scenic river basins and add requirements for the use of Class III wastewater for dust suppression. The initial amendments were final, effective 15 June 2005. Staff anticipates that the Department will propose a second round of amendments at the end of 2005 or beginning of 2006. *For additional information, please contact Shellie Chard McClary at (405) 702-8154.*

**(Effective 7 July 2005) OK Corporation Commission Final Regulation: Amendments to Underground Storage Tank Regulations (OAC 165:25).** The Commission has adopted amendments to its underground storage tank regulations that make a number of administrative changes to the regulations, add, and remove several definitions. They require that copies of tank testing performed for new tank installation is submitted along with the notice of installation to the Commission. The installation of a drop tube with an overflow device by 15 July 2005 for tank systems that use a form of overflow protection that automatically shuts off flow to the tank when the tank is no more than 95 percent full is also required. Finally, the amendments change the date for submitting records demonstrating compliance with testing or monitoring requirements for vapor recovery systems from 15 June to 15 July 2005. The regulations were effective 1 July. The final amendments are available at <http://www.okc.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2025%20perm%20doc%2025%2026%2005.PDF>. *For additional information, please call Jeffrey P. Southwick at (405) 522-4457.*

**(Effective 7 July 2005) OK Corporation Commission Final Regulation: Amendments to Aboveground Storage Tank Regulations (OAC 165:26).** The Commission has adopted amendments to its aboveground storage tank regulations that amendments make a number of administrative changes and delete and add definitions, including the addition of a "regulated substances" definition that expands the substances regulated

from gasoline, aviation fuel, diesel fuel, and/or volatile blending materials used in motor fuel to include antifreeze, motor oil, motor fuel, and kerosene. The amendments require automatic line leak detectors on all lines, line testing for a minimum of one hour, and the performance of a function test on all leak line detectors at installation. Additionally, the amendments change requirements that tanks installed before 15 July 2000 have a 90 percent alarm or a 95 percent overfill valve from voluntary to mandatory. The regulations were effective 1 July. The final amendments are available at <http://www.occ.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2026%20perm%20doc%205%2026%2005.PDF>. For additional information, please call Jeffrey P. Southwick at (405) 522-4457.

**(Effective 7 July 2005) OK Corporation Commission Final Regulation: Amendments to Regulations that Govern Remediation of Petroleum Storage Tank Sites (OAC 165:29).** The Commission has adopted amendments to its regulations for the remediation of petroleum storage tank sites. The amendments revise the definition of regulated substances from a list of specific items to "hazardous substances or petroleum regulated by the Petroleum Storage Tank Division." The amendments revise site assessment procedures, update procedures for tank removal/closure, and update corrective action requirements and initial response procedures. Additionally, the amendments update the Commission's rules on the denial, suspension, revocation, or refusal to renew a license for remediation consultants. The regulations were effective 1 July. The adopted amendments are available at <http://www.occ.state.ok.us/Divisions/GC/OCCRULES/Proprules/CH%2029%20perm%20doc%205%2026%2005.PDF>. For additional information, please call Jeffrey P. Southwick at (405) 522-4457.

## STATE OF OKLAHOMA PROPOSED RULE

**(UPDATE) OK Department Of Environmental Quality Proposed Regulation Published 15 June 2005: Amendments to New Source Review Regulations (OAC 252:100-1-3, 252:100-8, 252:100-37-2, 252:100-39-2).** The Department has proposed revisions to its New Source Review (NSR) regulations that update the regulations with new federal requirements. The proposed amendments to the regulations: (1) revise the method for determining whether a modification to an NSR source qualifies as a major modification; (2) add Clean Unit Exclusions, Pollution Control Project Exclusions, and Plantwide Applicability Limitations Exclusions for the NSR regulations; (3) revise the Volatile Organic Compound definition to update it with the new federal definition; and (4) revoke the 1-hour Ozone standard from the Primary and Secondary Ambient Air Quality standards. The Department will hold a public hearing 20 July 2005. Comments are due on that day. The proposed rules are available at [http://www.deq.state.ok.us/AQDnew/council\\_mtg/jul05/jul05rules.htm](http://www.deq.state.ok.us/AQDnew/council_mtg/jul05/jul05rules.htm). For additional information, please contact Scott Thomas at (405) 702-4100.

**(UPDATE) OK Department Of Environmental Quality Proposed SIP Revisions: Attainment of the 8-Hour Ozone Standard in OK.** ODEQ has proposed early State Implementation Plan (SIP) submittals for Oklahoma City and Tulsa to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local EAC. The EAC concept allows an area to defer on official designation of non-attainment for ozone if an early approvable SIP is submitted. USEPA will review comments and publish a final approval notice in the Federal Register. For additional information, please contact Leon Ashford at (405) 702-4173.

**(UPDATE) OK Department of Environmental Quality Proposed Regulation Published 15 December 2004: Amendments to Water Pollution Control Facility Requirements (OAC 252:656).** ODEQ has proposed amendments to its water pollution control facility construction regulations. The amendments revise the procedures for wastewater treatment and collection system construction. The amendments would also clarify requirements associated with construction at water pollution control facilities. Staff now hopes to bring the amendments before the Council at its 2 August 2005 meeting. The proposed amendments to Chapter 656 are available on the Department website at <http://www.deq.state.ok.us/WQDnew/index.htm>. For additional information, please contact Shellie Chard McClary at (405) 702-8154.

**(UPDATE) OK Department of Environmental Quality Proposed SIP Revisions: Attainment of the 8-Hour Ozone Standard in OK.** ODEQ has proposed early State Implementation Plan (SIP) submittals for Oklahoma City and Tulsa to address attainment of the 8-hour ozone standard in Oklahoma. The early SIP submittal would be the result of a local Early Action Compact (EAC). EPA has proposed approving the revisions and accepted comments on the proposal through 13 June 2005. The proposed Oklahoma City and Tulsa SIP submittals are available at [http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC\\_SIP.htm](http://www.deq.state.ok.us/AQDnew/whatsnew/SIP/EAC_SIP.htm). For additional information, please contact Leon Ashford at (405) 702-4173.

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**STATE OF TEXAS LEGISLATION PASSED**

**(Effective 1 September 2005) Texas H.B. 1987 - Underground Storage Tanks, Aboveground Storage Tanks.** H.B. 1987 amends the regulations dealing with underground and aboveground storage tanks by adding/amending Subsection (16-a) that adds a discussion of "Subsurface soil," re-defining "a person" to owner-operator", defining "common carrier", and "granting corrective action exemption. Governor Rick Perry (R) signed the bill on 18 June 2005 with an effective date of 1 September 2005. Sponsor: Representative Dennis Bonnen (R)

**(Effective 1 September 2005) Texas H.B. 2340 - Land Use, BRAC Authorizing Legislation.** The 7 April 2005 version concerns grants and loans for certain economic development projects to assist defense communities affected by the federal military base realignment and closure process. Governor Rick Perry (R) signed the bill on 18 June 2005 with an effective date of 1 September 2005. Sponsor: Representative Frank Corte (R)

**(Effective 1 September 2005) Texas S.B. 485 Regulation of Underground and Aboveground Storage Tanks.** S.B. 485 amends the Water Code to remove language that makes it an offense to physically deliver a regulated substance into an underground storage tank regulated under water quality control provisions of the Water Code. The bill provides that an owner or operator of an underground storage tank may comply with certification statutes by obtaining a current copy of the certificate from the Internet website of the Texas Commission on Environmental Quality (TCEQ). This bill clarifies that the owner or operator of an underground storage tank, rather than "a person" commits a violation under provisions relating to the duty to ensure certification of a tank before delivery of a regulated substance. Governor Rick Perry (R) signed the bill on 17 June 2005 with an effective date of 1 September 2005. Sponsor: Senator Kenneth Armbrister

**(Effective 1 September 2005) Texas S.B. 1090 – BRAC Authorizing Legislation, Land Use.** This bill stipulates that a defense base development authority may exercise power necessary or convenient to (1) adopt an official seal, or alter it; (2) adopt rules; (3) enter into a contract or incur a liability; (4) acquire and dispose of money; (5) select a depository; (6) establish a system of accounts for the authority; and (7) invest funds in accordance with Chapter 2256. Governor Rick Perry (R) signed the bill on 17 June 2005 with an effective date of 1 September 2005. Sponsor: Senator Frank Madla (D)

**(Effective 1 September 2005) Texas S.B. 1297.** S.B. 1297 allows for the discharge of waste or pollutant in any water if it consists of used oil and the concentration of used oil in the waste stream resulting from the discharge as it enters water in the state is less than 15 parts per million following the discharge and the person is authorized to discharge storm water under a general permit issued under Section 26.040. Governor Rick Perry (R) signed the bill on 17 June 2005 with an effective date of 1 September 2005. Sponsor: Senator Kenneth Armbrister

**(Effective 17 June 2005) Texas S.B. 1481.** This bill provides for a loan of financial assistance by the commission to a defense community for an economic development project that minimizes the negative effects of a defense base reduction on the community. The loan shall be made from the Texas military value revolving loan account. S.B. 1481 requires communities to prepare a Defense Community Economic Redevelopment Value Statement when seeking funds from the Revolving Loan Fund. Governor Rick Perry (R) signed the bill on 17 June 2005 and takes effect immediately. Sponsor: Senator Eliot Shapleigh (D)

**(Effective 1 September 2005) Texas S.B. 1710 - Air, Air Toxics.** S.B. 1710 addresses outdoor burning under the Texas Clean Air Act. TCEQ by rule may control and prohibit the outdoor burning of waste and combustible material and may include requirements concerning the particular method to be used to control or abate the emission of air contaminants resulting from that burning. The legislation is being driven in part by recent national studies indicating that outdoor burning is the largest emission source of dioxin and of significant amounts of NO<sub>x</sub>, VOCs, CO and PM. Regulators in Texas are becoming concerned that uncontrolled outdoor burning poses a danger to the attainment status of a number of MSAs in Texas, in addition to increasing the dioxin levels in the air and settling on the ground. Governor Rick Perry (R) signed the bill on 17 June 2005 with an effective date of 1 September 2005. Sponsor: Senator Todd Staples (R)

## STATE OF TEXAS SPECIAL SESSION LEGISLATION

The Texas legislature adjourned *sine die* on 30 May 2005. However, a special session primarily focused on school finance and tax reform has been convened. Legislators are taking this opportunity to bring back bills that "died" at the end of the regular session. While bills can be introduced and heard, they cannot be passed unless the Legislature expands their issue scope.

(Re-introduced bill) **Texas H.B. 39 - Environmental Administrative Procedures.** This bill addresses compliance histories for and incentives to reward compliance performance by entities regulated by the Texas Commission on Environmental Quality. H.B. 39 was introduced and referred to Environmental Regulation Committee on 27 June 2005. A hearing was held and reported the bill was from Committee on 28 June. Prospects for passage are uncertain. To view the legislation, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=1&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=00039&VERSION=1&TYPE=B>. Sponsor: Representative Wayne Smith (R)

(Re-introduced bill) **Texas H.B. 41 – Groundwater.** This bill addresses the maximum permitted withdrawals and critical period management of groundwater in the area regulated by the Edwards Aquifer Authority and to the operations and oversight of the Edwards Aquifer Authority. It was introduced and referred to Natural Resources Committee on 27 June 2005. Prospects for passage are uncertain. To view the legislation, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=1&CHAMBER=H&BILLTYPE=B&BILLSUFFIX=00041&VERSION=1&TYPE=B>. Sponsor: Representative Robert Puente (D)  
Companion bill: S.B. 24

(Re-introduced bill) **Texas S.B. 39 - Radioactive Waste, Hazardous Waste.** S.B. 39 transfers jurisdiction over the disposal of all radioactive waste, except oil and gas naturally occurring radioactive material (NORM) waste, to the Texas Commission on Environmental Quality (TCEQ) and implements a fee on license holder gross receipts to be charged for the disposal of all radioactive waste, other than oil and gas NORM and low-level radioactive waste. The bill also transfers all disposal, storage, and processing of oil and gas NORM waste, including the maintenance and decontamination of oil field equipment, to the Railroad Commission of Texas (RCT). This bill was introduced and referred to Natural Resources Committee on 24 June 2005.. Prospects for passage are uncertain. To view the legislation, please go to <http://www.capitol.state.tx.us/cgi-bin/tlo/textframe.cmd?LEG=79&SESS=1&CHAMBER=S&BILLTYPE=B&BILLSUFFIX=00039&VERSION=1&TYPE=B>. Sponsor: Senator Robert L. Duncan (R)

## STATE OF TEXAS FINAL RULES

**(Effective 23 June 2005) TX Commission on Environmental Quality Final Regulation: Extension of Expiration Date for Emissions Events and Scheduled Maintenance (2005-023-101-AI) (30 TAC 101, Subchapter F).** TCEQ has finalized amendments to its rules that govern emissions events and scheduled maintenance for pollution emission capture and abatement equipment. The amendments extend the expiration date of the rule section from 30 June 2005 to 15 January 2006. If TCEQ submits a revised version of the section to USEPA for approval for inclusion in the State Implementation Plan, the expiration date will be extended to June 30, 2006. The regulation was final, effective 23 June 2005. USEPA is reviewing comments and will publish a final approval of the amendments as a SIP revision in the Federal Register. The adopted amendments are available at [http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/050231\\_01\\_adoclean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/050231_01_adoclean.pdf) For additional information, please contact Patricia Duron at (512) 239-4900.

**(Effective 15 June 2005) TX Commission on Environmental Quality Final Regulation Published 31 December 2004: Federal Updates to MACT Standards (2002-036c-113-AI) (30 TAC 113).** The Commission has finalized amendments to its maximum achievable control technology (MACT) standards for hazardous air pollutants. The amendments update the regulations through incorporation by reference of revisions to the federal standards. The amendments also incorporate by reference sections that are new to the state regulations, including a section that contains requirements for control technology determinations for major sources in accordance with the Clean Air Act. The regulations were final, effective 15 June 2005. An updated version of the regulations is available at [http://www.tnrcc.state.tx.us/oprd/rule\\_lib/adoptions/02036c113\\_ado.pdf](http://www.tnrcc.state.tx.us/oprd/rule_lib/adoptions/02036c113_ado.pdf). For additional information, please contact Joseph Thomas at (512) 239-4580.

**(Effective 15 June 2005) TX Commission on Environmental Quality Final Regulation: New Source Review for 8 Hour Ozone Standard (2005-009-116-AI) (30 TAC 101, 30 TAC 116).** TCEQ has finalized amendments to its regulations that govern the permitting of new sources of air pollution. The amendments revise the regulations to make them consistent with changes to the federal non-attainment designations for Texas for the 1 hour and 8 hour ozone standards. The amendments also revise the definition of Volatile Organic Compound (VOC) by deleting the current list of compounds and adding a reference to the federal definition of VOC. The regulations were final, effective 15 June 2005. The updated amendments to Chapters 101 and 116 are available at [http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/050091\\_01\\_adoclean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/050091_01_adoclean.pdf) and [http://www.tceq.state.tx.us/assets/public/legal/rules/rule\\_lib/adoptions/050091\\_16\\_adoclean.pdf](http://www.tceq.state.tx.us/assets/public/legal/rules/rule_lib/adoptions/050091_16_adoclean.pdf). For additional information, please contact Michael Bame at (512) 239-5658.

**(Effective 15 June 2005) TX Commission on Environmental Quality Final Regulation Published 31 December 2004: Federal Updates to MACT Standards (2002-036c-113-AI) (30 TAC 113).** The Commission has adopted amendments to its maximum achievable control technology (MACT) standards for hazardous air pollutants. The amendments update the regulations through incorporation by reference of revisions to the federal standards. The amendments would also incorporate by reference sections that are new to the state regulations, including a section that contains requirements for control technology determinations for major sources in accordance with the Clean Air Act. The Commissioners approved the regulations for adoption on 25 May 2005 with an effective date of 15 June 2005. For additional information, please contact Joseph Thomas at (512) 239-4580.

**(Effective 15 June 2005) TX Commission on Environmental Quality Final Regulation: New Source Review for 8 Hour Ozone Standard (2005-009-116-AI) (30 TAC 101, 30 TAC 116).** TCEQ has adopted amendments to its regulations that govern the permitting of new sources of air pollution. The amendments revise the regulations to make them consistent with changes to the federal non-attainment designations for Texas for the 1 hour and 8 hour ozone standards. The amendments also revise the definition of Volatile Organic Compound (VOC) by deleting the current list of compounds and adding a reference to the federal definition of VOC. The Commissioners approved the regulations for adoption on 25 May 2005 with an effective date of 15 June 2005. For additional information, please contact Michael Bame at (512) 239-5658.

**(Effective 15 June 2005) TX Commission on Environmental Quality Final Regulation: Extension Date for Emissions Events and Scheduled Maintenance (2005-023-101-AI) (30 TAC 101, Subchapter F).** The Commission has adopted amendments to its rules that govern emissions events and scheduled maintenance for pollution emission capture and abatement equipment. The amendments extend the expiration date of the rule section from 30 June 2005 to 15 January 2006. The Commissioners approved the regulations for adoption on 3 June 2005 with an effective date of 23 June 2005. For additional information, please contact Patricia Duron at (512) 239-4900.

**(Effective 19 May 2005) TX Commission on Environmental Quality Final Regulation Published 13 May 2005: Amendments to Transportation Conformity Regulations for Consistency with Federal Changes (2005-002-114-AI) (30 TAC 114.260).** TCEQ has finalized amendments to its transportation conformity regulations. The amendments incorporate by reference the 1 July 2004 federal changes. The changes include the application of conformity for one-hour non-attainment or maintenance areas until the effective date of revocation of the one-hour ozone National Ambient Air Quality Standard; for eight-hour attainment areas with or without Motor Vehicle Emission Budgets; for PM<sub>2.5</sub> non-attainment and maintenance areas; for areas with limited maintenance plans; and for areas with insignificant motor vehicle emissions. The regulations were final, effective 19 May 2005. For additional information, please contact Debra Barber at (512) 239-0412.

**(Effective 19 May 2005) TX Commission on Environmental Quality Final Regulation: Revisions to NO<sub>x</sub> Rule to Implement Increment of Progress Control Measures (2005-004-117-AI) (30 TAC 117).** TCEQ has finalized amendments to its regulations that govern NO<sub>x</sub> emissions. The amendments revise NO<sub>x</sub> control measures on lean-burn and rich-burn internal combustion engines in order to meet EPA requirements for the NO<sub>x</sub> portion of the 5% Increment of Progress State Implementation Plan revision in the Dallas/Fort Worth Ozone non-attainment area. The amendments also clarify requirements for businesses that meter and monitor NO<sub>x</sub> emissions in ozone non-attainment areas. The regulations were final, effective 19 May 2005. For additional information, please contact Emily Barrett at (512) 239-3546.

## STATE OF TEXAS PROPOSED RULE

**(UPDATE) TX Commission on Environmental Quality Proposed and Adopted SIP Revision: Early Action Compact Plans.** TCEQ is proposing revisions to the SIP that incorporates Early Action Compact Plans submitted to the Commission at the end of March 2004. The plans are for the three near non-attainment areas of Austin-San Marcos, San Antonio, and Northeast Texas. These three areas each entered into an EAC with TCEQ and EPA, and committed to developing Clean Air Action plans for the attainment and maintenance of the 8-hour ozone standard within the areas. EPA has approved proposal of these revisions and accepted comments regarding its proposed approval of the Northeast Texas 15 June 2005 and Austin and San Antonio revisions 22 June 2005. The EAC plans for the Austin, San Antonio and Northeast Texas areas are available at [http://www.tnrcc.state.tx.us/oprd/sips/AUS\\_EAC\\_032904.pdf](http://www.tnrcc.state.tx.us/oprd/sips/AUS_EAC_032904.pdf), [http://www.tnrcc.state.tx.us/oprd/sips/SA\\_EAC\\_ExecSum\\_033104.pdf](http://www.tnrcc.state.tx.us/oprd/sips/SA_EAC_ExecSum_033104.pdf), and [http://www.tnrcc.state.tx.us/oprd/sips/NET\\_EAC\\_033104.pdf](http://www.tnrcc.state.tx.us/oprd/sips/NET_EAC_033104.pdf). For additional information, please contact Gerry Wolfe (512) 639-4703.

## OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**(UPDATE) TX Commission on Environmental Quality Departmental Discussion: Revision of the Administrative Penalty Policy.** The Commission is planning a revision of its administrative penalty policy as a result of the enforcement review process conducted in 2004. The Commission plans to establish a standard penalty structure for violations. Staff reports that the Commission plans to hold stakeholder meetings in March and April 2005. The Commission has cancelled stakeholder meetings planned for 13, 16, 18, 20, 24 and 27 May 2005 to gather input regarding the penalty policy. Staff is unsure when the meetings will be rescheduled. For additional information, please contact John Sadlier at (512) 239-6012.

**(Effective 14 June 2005) EPA Final Authorization of State Hazardous Waste Management Program Revision, Texas.** EPA is granting Texas final authorization of changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Agency published a proposed rule on 18 March 2005, and provided for public comment. The public comment period ended on 18 April 2005. Since EPA received no comments, there will be no further opportunity for comment. EPA has determined that Texas' program revisions satisfy all the requirements needed to qualify for final authorization, and is authorizing the State's changes through this final action. This final authorization will be effective on 14 June 2005. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-WASTE/2005/June/Day-14/f11663.htm>.

**(Effective 6 September 2005) EPA Final Rule Approval and Promulgation of Implementation Plans, Texas; Transportation Conformity.** EPA is taking direct final action approving State Implementation Plan (SIP) revisions submitted by the State of Texas on 23 February 2004, and on 17 May 2005. These revisions serve to incorporate recent revisions to the federal conformity rule into the state conformity SIP. This rule is effective on 6 September 2005, without further notice, unless EPA receives relevant adverse comment by 5 August 2005. If EPA receives such comment, EPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For additional information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/July/Day-06/a13279.htm>.

**TCEQ Commissioners Appoint New General Counsel Effective 1 July 2005.** The Texas Commission on Environmental Quality (TCEQ) Wednesday unanimously appointed Derek Seal as the agency's new general counsel. Mr. Seal has served as executive assistant to TCEQ Chairman Kathleen Hartnett White since November 2002. He received a B.A. in Economics from the University of Texas at Austin in 1991, and earned a law degree from St. Mary's University School of Law in 1996. From 1989 through 2002, he worked as a legislative staff member in the Texas House of Representatives. Mr. Seal served as chief committee clerk for the House Environmental Regulation Committee from 1993 to 2002 and as general counsel for Rep. Warren Chisum and the committee from 1996 to 2002. During his time with the legislature, Mr. Seal worked on a number of issues, including auto emissions testing; environmental audit legislation; environmental permitting process legislation, and the TCEQ Sunset Bill.

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## REGION 7 STATE ACTIVITY

### Regulatory & Legislative Web Sites

Iowa Department of Natural Resources (IDNR)	<a href="http://www.state.ia.us/dnr/">http://www.state.ia.us/dnr/</a>
Iowa General Assembly	<a href="http://www.legis.state.ia.us/">http://www.legis.state.ia.us/</a>
Kansas Department of Health and Environment (KDHE)	<a href="http://www.kdhe.state.ks.us">http://www.kdhe.state.ks.us</a>
Kansas Legislature	<a href="http://www.kslegislature.org/cgi-bin/index.cgi">http://www.kslegislature.org/cgi-bin/index.cgi</a>
Missouri Department of Natural Resources (MDNR)	<a href="http://www.dnr.state.mo.us/homednr.htm">http://www.dnr.state.mo.us/homednr.htm</a>
Missouri General Assembly	<a href="http://www.moga.state.mo.us/">http://www.moga.state.mo.us/</a>
Nebraska Department of Environmental Quality (NDEQ)	<a href="http://www.deq.state.ne.us">http://www.deq.state.ne.us</a>
Nebraska Legislature	<a href="http://www.unicam.state.ne.us/">http://www.unicam.state.ne.us/</a>

## IOWA

## Legislative/Regulatory Activity

The Iowa legislature adjourned *sine die* on 30 May 2005.

### STATE OF IOWA FINAL RULES

**(Effective 13 July 2005) IA Department of Natural Resources Final Regulation: Air Quality Program Rule Updates (567 IAC 20, 21, 22, 23 and 25).** IDNR adopted amendments to update the air quality program rules. The amendments include: (1) Making date modifications throughout Chapters 20, 22, 23 and 25 to reference the most recent date for which changes to 40 Code of Federal Regulations, Parts 51, 52, 60, 61, 63, 70, 72, 73, 75, 76, 77 and 78 were published; (2) Adding a definition in Chapter 20, under rule 20.2 for "untreated" as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood does not include wood or wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter does not include those materials that have been treated with pesticides; (3) Providing clarification in Chapter 21, under the Variance rules under paragraph 21.2(3)"a". These are the provisions for granting a variance for the purpose of testing an alternative fuel. This change will more clearly explain that a project subject to certain federal requirements may not obtain a variance from air quality rules. This change was made at the request of EPA; (4) Providing clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word "registered" with the word "licensed." This change is to make the wording consistent with Iowa Code 542B.1, in which "registered" was replaced with "licensed" in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26; (5) Amending the definition of "hazardous air pollutant" under the Title V rules in rule 22.100. On November 29, 2004, EPA published a final rule to delete ethylene glycol ether from the list of HAPs. The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs; (6) Changing the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required for permit from four copies to three copies, and to specify the offices where each copy must be mailed; (7) Changing the requirements under subrule 22.128(4) for Acid Rain applications to reduce the number of copies required to be submitted from four copies to three copies; (8) Adding a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit; (9) Adding a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources; and (10) Adopting by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS). The rule was reported in the IAB 8 June 2005 as "adopted and filed," and is effective 13 July 2005. *For additional information, please contact Christine Paulson at (515) 242-5094.*

**(Effective 8 June 2005) IA Department of Natural Resources Final Regulation: Solid Waste Comprehensive Planning Requirements (567 IAC 101).** IDNR finalized revisions to the solid waste comprehensive planning requirements. The rules are updated and streamlined and make the following changes: 1) language was added to clarify standard operating procedures related to the tracking of Iowa generated waste between individual planning areas and 2) language was added to clarify standard operating procedures related to state volume reduction and recycling goals. The rule replaces the 1990 manual (revised 2001). The regulation was

published in the Iowa Administrative Bulletin 8 June 2005 as "adopted and filed." *For additional information, please contact Mark Warren at (515) 281-4968.*

## **STATE OF IOWA PROPOSED RULES**

**(NEW) IA Department of Natural Resources Draft of Proposed Rule on Adoption of Several NESHAPS (567 IAC 23).** The Department has drafted a proposal to amend Chapter 23 "Emission Standards for Contaminants" of the 567 Iowa Administrative Code. The rulemaking would adopt by reference several National Emissions Standards for Hazardous Air Pollutants (NESHAPS) that were promulgated by EPA between 1996 and 2003. The draft proposed rule was on the agenda for the 20 June 2005 meeting of the Environmental Protection Commission (EPC), where the Department requested approval to publish a notice of intended action on the proposed rule. A copy of the draft proposed rule can be found at <http://www.iowadnr.com/epc/05jun/10.pdf>. *For additional information, please contact Christine Paulson at (515) 242-5094.*

**(NEW) IA Department of Natural Resources Proposed Amendment 11 May 2005: Emissions Standards for Contaminants (567 IAC 23).** The Department is proposing an amendment to Chapter 23 "Emission Standards for Contaminants." This amendment would clarify that ordinary travel on an unpaved public road includes routine traffic and road maintenance activities. Scarifying, compacting, transporting road maintenance surfacing material, and scraping of the unpaved public road surface are considered to be road maintenance activities that are classified as ordinary travel. Unpaved public road maintenance activities such as scarifying, compacting, transporting road maintenance surfacing material, and scraping are not continuous by nature and are normally of a short duration at a specific location. These activities usually do not generate particulate matter in quantities sufficient to be considered a nuisance or a threat to public health. The Department has historically treated these types of road maintenance activities as ordinary travel. Comments were due on 17 June 2005. A public hearing was held on 15 June 2005. To view the amendments, please go to <http://www.legis.state.ia.us/Rules/Current/Bulletin/IAB050511.pdf> (page 17 of 92). *For additional information, please contact Christine Paulson at (515) 242-5094.*

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**(UPDATE) IA Department of Natural Resources Departmental Discussion: Monitoring, Analytical And Reporting Requirements for Wastewater Treatment Facilities (567 IAC 63).** IDNR is discussing a rulemaking to revise the monitoring requirements for wastewater facilities. The revisions are taking place to ensure that the frequency and level of monitoring effluent from treatment facilities provide reliable assurances that facilities are providing the degree of treatment necessary to meet state water quality standards. According to Department staff, the rulemaking is on hold due to other priorities. To view the rules, please go to <http://www.iowadnr.com/water/standards/files/workelement.pdf>. *For additional information, please contact Wayne Farrand at (515) 281-8877.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: Revisions to General Use Definition, Water Quality Standards (567 IAC 60, 61, 72).** IDNR is discussing revisions to the water quality standards as a result of the 2002 triennial review. The rulemaking would revise the definition of general use and would revise the language for Class B(Ir) and create a new use designation for intermittent, pooled conditioned aquatic life use. An informational item was sent to the Environmental Protection Commission in December. Staff expects to go to the EPC to discuss the rule June 2005. The Department held a stakeholder meeting on 26 May 2005 to discuss all issues surrounding the triennial review and revisions to the water quality standards. *For additional information, please contact Chuck Corell at (515) 281-8448.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: Clean Air Interstate Rule (567 IAC 20, 21, 22, 23, 24, 25).** The Department is discussing implementation of the federal Clean Air Interstate rule. The rule will reduce NO<sub>x</sub> and SO<sub>2</sub> emissions from sources. The rules may include adoption of model cap and trade rules for electrical generating units or statewide emission caps for multiple industrial sectors. Staff has indicated that the department is currently facilitating an implementation workgroup regarding the Clean Air Interstate rule. The new target date for starting rulemaking on the federal Clean Air Interstate Rule is likely in the November to December 2005 timeframe. *For additional information, please contact Chad Daniel at (515) 242-6494.*

**(UPDATE) IA Department of Natural Resources Departmental Discussion: Best Available Retrofit Technology (Chapter 22).** The Department is discussing a rulemaking to address the BART exemption

determinations and engineering analyses based on the federal Regional Haze Rule. The information gathered will allow the department to review the BART-eligible sources for possible exemption. It is possible that up to 75% of these stationary sources may be exempted from additional BART review. The remaining stationary sources will need to complete an engineering analysis. The stationary source category to be impacted the most will be fossil-fueled fired boilers and fossil-fueled fired steam electric plants. The federal rule was adopted the week of 15 June 2005, and the department is in the process of sorting through the rule before it takes any initial steps in its rulemaking process. Staff indicates that the proposal discussions will probably not begin until September 2005. *For additional information, please contact Wendy Rains at (515) 281-6061.*

**(Effective 24 June 2005) EPA Delegation of Authority to the State of Iowa for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Maximum Achievable Control Technology (MACT) Standards.** The state of Iowa has submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPS, NESHAP, and MACT. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies and is effective on 24 June 2005. For more information, please go to <http://www.epa.gov/fedrgstr/EPA-AIR/2005/June/Day-24/a12577.htm>.

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## KANSAS

## Legislative/Regulatory Activity

The Kansas legislature adjourned *sine die* on 20 May 2005.

### STATE OF KANSAS FINAL RULE

**(Effective 6 June 2005) KS Department of Health and Environment Final Regulation: Municipal, Commercial, and Industrial Wastewater Lagoon Liner Requirements.** The KDHE adopted regulations addressing municipal, commercial, and industrial wastewater lagoon liner requirements. The Department's goal is to develop and promulgate groundwater protection practices for sensitive groundwater areas in the state and specifically to address the Equus Beds Aquifer. These regulations address: (1) the design, construction, and operation of wastewater lagoons that serve municipal, commercial, and industrial facilities; (2) convert current policies regarding industrial wastewater pond liners into regulations that will make them an enforceable part of the Minimum Standards of Design for Water Pollution Control Facilities-1978; (3) update provisions to the Minimum Standards of Design for Water Pollution Control Facilities to reflect current technology and recent information regarding the effectiveness of earthen lagoons for the containment and treatment of wastewater; and (4) provide uniformity in regard to the Department's approach to design, construction, and use of wastewater lagoon systems serving municipal, commercial, and industrial facilities. The redraft of the lagoon regulations are currently in the internal review process. The regulations were published in the Kansas Register 5 May 2005, with an effective date of 6 June 2005. The final regulation is at <http://www.kdhe.state.ks.us/indust/ProposedLinerRegs.htm> and [http://www.kdhe.state.ks.us/water/download/28\\_16.pdf](http://www.kdhe.state.ks.us/water/download/28_16.pdf). *For additional information, please contact Dorothy Geisler at (785) 296-5545.*

**CREO Comment:** Existing lagoons are "grandfathered" unless KDHE determines that the lagoon poses an environmental or public health threat, or if there are data that demonstrate actual or potential soil or water pollution.

### STATE OF KANSAS PROPOSED RULES

**(NEW) KS Department of Health and Environment Proposed Regulation Published on 11 May 2005: Revisions to Air Quality Regulations.** The Department is proposing three sets of revisions to sections of 28-19. The first revision would revoke section 28-19-22 "sulfur compound emissions." Because the lead and zinc smelters have ceased to operate and because the refineries are now subject to more stringent requirements for sulfur emissions under the new source performance standards, the Department has determined that the sulfur rule may be revoked without detriment. The second proposal would revoke the existing Class III permits regulations at KAR 28-19-575 through 28-19-578. This revocation is proposed to streamline the air emissions sources permitting process. The Class III program serves primarily to track minor sources whose emissions have little impact on air quality, the Class

Ill sources amounting to less than one percent of total statewide point source emissions. This revocation will result in the savings of permit application fees of \$50.00 per initial application, as well as time required for the preparation of the permit application. The third set of proposed regulations would amend the emissions inventory and permit-by-rule regulations, "inventory rules." The primary changes are to adjust the annual reporting date for Class II permittees from the current due date of 1 June to 1 April. An additional component is to change the language of the permits-by-rule to eliminate the specific due date reference and to change that language to reference to the date in 28-19-546. This will simplify any future changes to the due date. Comments are due by 6 July 2005. A public hearing will be held on 6 July 2005. To view the revisions, please go to [http://www.kdhe.state.ks.us/bar/public\\_notice/HearingNotice2rev.pdf](http://www.kdhe.state.ks.us/bar/public_notice/HearingNotice2rev.pdf). Ralph Kieffer (785) 296-6428

**(UPDATE) KS Department of Health and Environment Proposed Rule: Amendment to Inventory Report Rule (28-19).** The Department is discussing a rulemaking to amend the Inventory Report Rule. The KDHE is discussing a possible increase in fees, changing the submission date of class II inventories to 1 April, and minor housekeeping changes. Staff reports the amendments have been with the Department of Administration awaiting their review. The inventory reporting proposed rule became part of a larger rulemaking revising Rule 28-19. There will be a public hearing 6 July 2005. Comments are due on that day. To view the revisions, please go to [http://www.kdhe.state.ks.us/bar/public\\_notice/HearingNotice2rev.pdf](http://www.kdhe.state.ks.us/bar/public_notice/HearingNotice2rev.pdf). For additional information, please contact Ralph Kieffer at (785) 296-6428.

## OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**(UPDATE) KS Department of Health and Environment Departmental Discussion: Updates to Acid Rain Rules.** The Department is discussing amendments to its air rules to adopt federal updates to its Acid Rain provisions. The Department is planning to adopt federal NO<sub>x</sub> and Compliance Assurance Monitoring (CAM) rules. The Department had expected to begin the formal rulemaking by March 2004, then by May 2004, and again by September 2004. Staff reports the drafting is nearly finished; however, the Department does not yet have a schedule for publication of the proposed rule. For additional information, please call Ralph Kieffer at (785) 296-6428.

**(UPDATE) KS Department of Health and Environment Departmental Discussion: Amendment to Air Quality Definitions.** The Department is discussing amendments to its air quality regulations to change certain definitions. Possible amendments may include the definition of hazardous air pollutants and volatile organic compounds. Staff reports the rulemaking is nearly ready for public review and is currently being reviewed internally. For additional information, please call Ralph Kieffer at (785) 296-6428.

**(Effective 24 June 2005) EPA Delegation of Authority to the State of Kansas for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and Maximum Achievable Control Technology (MACT) Standards.** The state of Kansas has submitted updated regulations for delegation of EPA authority for implementation and enforcement of NSPS, NESHAP, and MACT. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This action informs the public of delegations to the above-mentioned agencies and is effective on 24 June 2005. For more information, please go to <http://www.epa.gov/fedrqrstr/EPA-AIR/2005/June/Day-24/a12577.htm>.

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MISSOURI

Legislative/Regulatory Activity

## STATE OF MISSOURI LEGISLATION PASSED

**(Effective 1 October 2005) Missouri S.B. 225 - Advance Disposal Fees, Aboveground Storage Tanks, Hazardous Waste.** The final version of this legislation requires operators of above and underground storage tanks to be responsible for petroleum releases and pay an annual fee of \$200 to the Hazardous Waste Fund. Governor Blunt signed this bill on 7 July 2005 with an effective date of 1 October 2005. Sponsor: Senator John Cauthorn (R)

**(Effective 28 August 2005) Missouri H.B. 824 - Air, Air Pollution Prevention, Air Toxics.** H.B.824 states that any air contaminant source required to obtain a permit issued under Sections 643.010 to 643.190 shall pay an annual fee. For the first year, the fee will be \$25 per ton of each regulated air contaminant emitted. After the first year, the fee is set by the (Air Conservation) Commission by rule on an annual basis and will be at least \$25 per ton of regulated air contaminant emitted but not more than \$40 per ton of regulated air contaminant emitted in the previous calendar year. For the purpose of determining the amount of air contaminant emissions on which the fees authorized under this section are assessed, a facility will be considered one source under the definition of subsection 2 of section 643.078, except that a facility with multiple operating permits will pay the emission fees authorized under this section separately for air contaminants emitted under each individual permit. Sources indicate that the governor signed the bill on 6 July with an effective date of 28 August 2005. Sponsor: Representative Steve Hobbs (R)

**(Effective 22 June 2005) Missouri H.B. 348 - Land Use.** H.B. 348 creates the Missouri Military Preparedness and Enhancement Commission to design and implement measures to protect, retain, and enhance the present and future mission capabilities of military posts and bases around the state. The commission's duties include preparing a biennial strategic plan and an annual report. The seven-member commission will meet quarterly or more often if additional meetings are deemed necessary by the chair. Governor Matt Blunt (R) signed the bill on 22 June 2005. Sponsor: Representative David Pearce (R)

## STATE OF MISSOURI FINAL RULES

**(Effective 30 October 2005) MO Department of Natural Resources Final Regulation: NO<sub>x</sub> Emissions Limits for Electric Generating Units and Non-Electric Generating Boilers (2727) (10 CSR 010-06.360).** The Department finalized regulations that set emissions caps for NO<sub>x</sub> for electric generating units and non-electric generating boilers in the eastern one-third of Missouri. The regulations apply to electric generating units with design capacities greater than 25 megawatts and non-electric generating boilers with a design capacity of greater than 250 million BTUs per hour. Staff reports that the Department adopted the amendments 26 May 2005. Staff anticipates that the amendments will be published in September 2005 and become effective 30 October 2005. *For additional information, please call Refaat Mefrakis at (573) 751-4817.*

**(Effective 30 October 2005) MO Department of Natural Resources Finalized Regulation: NO<sub>x</sub> Emissions Limits for Cement Kilns and Internal Combustion Engines (0765 And 0766) (10 CSR 010-06.380 and 010-06.390).** MDNR adopted regulations that set NO<sub>x</sub> emissions limits for portland cement kilns and internal combustion engines. The regulations require portland cement kilns with NO<sub>x</sub> emissions greater than one ton per day to reduce emissions by 30% from 2007 base levels. The regulations require large stationary combustion engines to reduce emissions by 90% from 2007 base levels. Staff reports that the Department adopted the amendments 26 May 2005. Staff anticipates that the amendments will be published in September 2005 and become effective 30 October 2005. *For additional information, please call Refaat Mefrakis at (573) 751-4817.*

## STATE OF MISSOURI PROPOSED RULES

**(NEW) MO Department of Natural Resources Proposed Regulation Published 15 June 2005: Increase to Permit Emission Fees (2747) (10 CSR 10-6.110).** The Department has proposed amendments to its regulations that increase the fee for 2005 from \$33.00 to \$35.50 per ton of regulated air pollutant emitted. The amendments also change the fee due date for United States Department of Labor Standard Industrial Classification 4911 Electric Services from 1 April 1 to 1 June. The Department will hold a public hearing 21 July 2005. Comments are due 28 July 2005. The proposed amendments are on pages 36-37 of the Proposed Rules section of the 15 June 2005 Missouri Register: The proposed rules can be found at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n12/v30n12c.pdf>. *For additional information, please contact Ron Jeffries at (573) 751-4817.*

**(NEW) MO Department of Natural Resources Draft Regulation: Amendments to NO<sub>x</sub> Emissions Testing Methods (2760) (10 CSR 010-5.510).** MDNR has issued initial draft of amendments to its regulations that govern the control of Nitrogen Oxides (NO<sub>x</sub>) emissions. The amendments specify that Method 19 (the method already used by industry) can be used to calculate heat input specific emission rates for demonstration of compliance. These amendments also serve to eliminate the current requirement for the submission of a written request to the Department for permission to use Method 19. The Department will accept written comments on the initial draft through 19 July 2005. The initial draft is available at

[http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/5-510/5-510draft\\_rule.pdf](http://www.dnr.state.mo.us/alpd/apcp/Rules/RID/5-510/5-510draft_rule.pdf). For additional information, please contact Bruce Volner at (573) 751-4817.

(UPDATE) **MO Department of Natural Resources Proposed Rule Published 1 April 2005: Adoption by Reference of Federal Emission Standards (2656, 2658 & 2659) (10 CSR 010-6.070, 10-6.075 & 10-6.080)**. MDNR is proposing to adopt by reference federal emissions standards that adopt two, four, seven and ten year Maximum Achievable Control Technology (MACT) standards. The rulemaking also adopts performance criteria for new or modified stationary sources of hazardous air pollutants. Staff reports that the Air Conservation Commission is scheduled to review the amendments for adoption 30 June 2005. The proposed rules are on pages 27-31 of the 1 April 2005 MO Register, available at <http://www.sos.mo.gov/adrules/moreg/current/2005/v30n7/v30n7b.pdf>. For additional information, please contact Don Cripe at (573) 751-4817.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

(UPDATE) **MO Department of Natural Resources Departmental Discussion: MO SIP Revised NAAQS Plan, Ozone and PM<sub>2.5</sub>**. MDNR is discussing regulations and SIP amendments to adopt the new and revised federal standards for ozone and PM<sub>2.5</sub>. The 12 criteria for determining the appropriate non-attainment boundaries include: (1) emissions and air quality; (2) population density and degree of urbanization; (3) monitoring data representing ozone concentrations; (4) location of emission sources; (5) traffic and commuting patterns; (6) expected growth; (7) meteorology; (8) geography/topography; (9) jurisdictional boundaries; and (10) regional emission reductions. The Department has prepared an unofficial table of areas that would not be in compliance with the ozone standard. Some parts of the St. Louis and Kansas City area may be in non-attainment. Staff reports that the Department submitted the recommendations for establishing geographical non-attainment boundaries for ozone and PM<sub>2.5</sub> to EPA who has agreed with Missouri's proposal and will make a decision on whether to establish the boundaries within the next few months. Staff reports that the Department is working on the regulations to adopt the federal ozone and PM<sub>2.5</sub> standards. MDNR has established stakeholder workgroups to develop attainment demonstration and control strategies for the 8-hour ozone and PM<sub>2.5</sub> SIPs for St. Louis. The Control Strategy workgroup met 13 May 2005, the Modeling and Data Analysis workgroup met again on 12 June 2005 and the control strategy workgroup met on 24 June 2005. Staff reported that the Department is working on the regulations to adopt the federal ozone and PM<sub>2.5</sub> standards. Staff now anticipates that the Department will post draft rules in August 2005. The Control Strategy workgroup will meet again 5 August 2005. For additional information, please contact John Rustige at (573) 751-4817.

**(Effective 5 July 2005) MO Department of Natural Resources Determination on Flameless Ration Heaters**. On 5 July 2005, the MDNR formally adopted EPA's reasoning and determination relating to disposal of Flameless Ration Heaters as non-hazardous wastes. Under EPA's new guidance, FRH that are issued to soldiers with Meals, Ready-to-Eat for use in a temporary or permanent residential setting are exempt from RCRA regulation as household hazardous waste. In these circumstances, soldiers may dispose of waste FRH, either activated or un-activated, as non-hazardous solid waste, and soldiers may activate FRH prior to disposal. Units may collect issued un-activated FRH from soldiers for disposal as non-hazardous solid waste. This exemption only applies to FRH that have been issued to soldiers for use, not to FRH while in stock. Units and installations are strongly encouraged to check with state regulators before changing FRH disposal practices. See page 22 of this publication for more information.

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### **NEBRASKA**

### **Legislative/Regulatory Activity**

The Nebraska legislature adjourned *sine die* on 3 June 2005. The following bills were carried over to 2006:

**Nebraska L.B. 8 – Clean up**  
**Nebraska L.B. 190 – Electronic Scrap/Waste, Advance Disposal Fee**

## STATE OF NEBRASKA FINAL RULE

**(Effective 2 May 2005) NE Department of Environmental Quality Final Regulation: Adoption by Reference of Federal New Source Performance Standards and MACT Standards (Title 129, Chapters 18 and 28).** NDEQ has finalized amendments that adopt by reference federal NSPS. The amendments also adopt by reference federal MACT standards. The Department recently became aware of commercial and industrial solid waste incinerator sources within the state and, therefore, plans to adopt NSPS Subpart DDDD for commercial and industrial solid waste incinerators. After that standard is adopted, NDEQ plans to submit a SIP revision to EPA. Prior to submission and approval of the SIP revision, sources subject to the standard will operate under the Federal Implementation Plan issued by EPA in October 2003. The regulations were final, effective 2 May 2005. *For additional information, please contact Thomas Lamberson at (402) 471-2186.*

## OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION

**(UPDATE) NE Department of Environmental Quality Proposed TMDL: Big Blue River Basin, Little Blue River Basin and Republican River Basin TMDLs.** The Department has issued Total Maximum Daily Loads (TMDLs) for the Big Blue River Basin, Little Blue River Basin and Republican River Basin. The TMDLs address fecal coliform and E. coli bacteria impairment in the river basins. Staff reported that the TMDLs were finalized and submitted to USEPA for approval at the end of February 2005. USEPA has not yet approved the TMDLs. *For additional information, please contact Pat O'Brien at (402) 471-3382.*

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## FEDERAL ACTIONS

### EPA FINAL RULES

**(Effective 12 August 2005) Hazardous Materials; Miscellaneous Amendments.** This final rule amends the Hazardous Materials Regulations by incorporating miscellaneous changes based on petitions for rulemaking and PHMSA initiatives. The intended effect of these regulatory changes is to update, clarify or provide relief from certain regulatory requirements. The effective date of these amendments is 12 August 2005. The full text document location is: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-11647.htm>

**(Effective 14 July 2005) Waste Management System, Testing and Monitoring Activities, Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB.** EPA amended a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and for certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. This action is an important step forward in implementing the use of a performance-based approach, which is part of the Agency's efforts toward Innovating for Better Environmental Results. This final rule is effective on 14 July 2005. The full text document location is: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-10197.htm>.

**(Effective 30 June 2005) Deletion of Methyl Ethyl Ketone; Toxic Chemical Release Reporting; Community Right-to-Know.** EPA amended its regulations to delete methyl ethyl ketone (MEK) from the list of chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). This action is being taken to comply with a DC Circuit decision and order requiring the Agency to delete MEK. Notice and comment are unnecessary because this action is being taken to conform to the court's order. This rule is effective immediately. Upon promulgation of this rule, facilities will no longer be required under EPCRA section 313 to report releases of and other waste management information on MEK, including those that occurred during the 2004 reporting year. This final rule is effective on 30 June 2005. For additional information, please go to <http://www.epa.gov/fedrgrstr/EPA-TOX/2005/June/Day-30/t12928.htm>.

**(Effective 10 June 2005) Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Equipment Replacement Provision of the Routine Maintenance, Repair and Replacement.** On 27 October 2003, and 24 December 2003, EPA revised regulations governing the major New

Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act (CAA or Act). The 27 October rule changes provide a category of equipment replacement activities that are deemed to be routine maintenance, repair and replacement (RMRR) activities and, therefore, are not subject to Major NSR requirements under the exclusion. The 24 December rule changes amended the Prevention of Significant Deterioration (PSD) provisions of state programs that did not have approved state rules for PSD. After carefully considering all of the comments and information received through our reconsideration process, EPA has concluded that no additional changes are necessary to the final rules. The full text document location is:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-11546.htm>.

## **EPA PROPOSED RULE**

### **Extension of the Deferred Effective Date for 8-hour Ozone National Ambient Air Quality Standards for Early Action Compact Areas.**

EPA is proposing to extend the deferral of the effective date of air quality designations for certain areas of the country that have entered into Early Action Compacts. Early Action Compact areas have agreed to reduce ground-level ozone pollution earlier than the Clean Air Act (CAA) requires. On 30 April 2004, EPA published a notice designating all areas of the country for the 8-hour ozone National Ambient Air Quality Standards (NAAQS). In the designation rule, EPA deferred the effective date of the non-attainment designation for 14 areas that had entered into Early Action Compacts. The current effective date is 30 September 2005. EPA is now proposing to extend the deferral of the effective date for all 14 Early Action compact areas until 31 December 2006. The full text document location is:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-11380.htm>.

## **OTHER REGULATORY ACTIVITY AND GENERAL INFORMATION**

**New EPA Guidance Allows Disposal of Flameless Ration Heaters as Non-Hazardous Waste.** A new EPA guidance letter allows Flameless Ration Heaters (FRH) to be disposed of as non-hazardous solid waste in most cases. In 1999, EPA found that un-activated FRH were a reactive hazardous waste and must be managed and disposed of in accordance with the requirements of the Resource Conservation and Recovery Act (RCRA). Several installations received enforcement actions after un-activated FRH were found in municipal solid waste dumpsters or trucks. Under EPA's new guidance, FRH that are issued to Soldiers with Meals, Ready-to-Eat for use in a temporary or permanent residential setting are exempt from RCRA regulation as household hazardous waste. In these circumstances, soldiers may dispose of waste FRH, either activated or un-activated, as non-hazardous solid waste, and soldiers may activate FRH prior to disposal. Units may collect issued un-activated FRH from soldiers for disposal as non-hazardous solid waste. This exemption only applies to FRH that have been issued to Soldiers for use, not to FRH while in stock. EPA also found that un-activated FRH packaged with MRE are not reactive hazardous waste and may be disposed as non-hazardous solid waste. This finding applies to all FRH packaged with MRE, issued or in stock. However, EPA found that multiple FRHs packaged separately from MRE are hazardous waste when disposed, and must be managed under RCRA. Cases of FRH separate from MRE may still be in stock in cold regions and overseas, and, once discarded, must be managed as hazardous waste. More stringent regulations for FRH disposal may be issued by individual states. Units and installations are strongly encouraged to check with state regulations before changing FRH disposal practices. Installations are encouraged to collect unused FRH for return to manufacturer in accordance with local DRMS programs. For more information, please call, (410) 436 1265

### **Notice of Reconsideration of Final Rule: National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters.**

After promulgation of the final regulations for boilers and process heaters, the Administrator received petitions for reconsideration of certain provisions in the final rule. EPA is initiating the reconsideration of some of those provisions by requesting comment on certain provisions of the approach used to demonstrate eligibility for the health-based compliance alternatives, as outlined in appendix A of the final rule, and on the provisions establishing a health-based compliance alternative for total selected metals. EPA is not requesting comment on any other provisions of the final rule or granting petitioners' request that EPA stay the effectiveness of the health-based compliance provisions of the final rule, pending this reconsideration action. The full text document location is:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-12662.htm>.

**Clarification of Treated Wood Mulch Regulatory Status.** EPA has issued a memorandum intended to clarify that wood mulch produced from Chromated Copper Arsenate (CCA) treated wood does not qualify for exemption from regulation as hazardous waste under the exemption provided at 40 CFR 261.4(b)(9). The 40 CFR 261.4(b)(9) exemption covers : "Solid waste which consists of discarded arsenical-treated wood or wood products which fails the

test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials' intended end use." EPA's memo states: This exemption applies to CCA-treated lumber where "...the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials' intended end use." Any CCA-treated wood used to produce wood mulch is not the "...materials' intended end use," therefore wood mulch produced from CCA-treated wood is not exempt from regulation as hazardous waste under 40 CFR 261.4(b)(9). The clarification applies to any and all arsenic-based wood preservatives. To clarify further what is meant by "D004 through D017," this exemption applies to discarded wood that is a RCRA hazardous waste because it exhibits the Toxicity Characteristic (TC) for any of fourteen specific chemicals represented by D004 through D017 waste codes. However, although this exemption refers to the D004 through D017 waste codes, arsenic (D004) is the chemical that would most likely cause the wood to fail the TC; data indicate that freshly-treated wood, as well as some weathered wood, can exceed the regulatory level for arsenic. The full text document location is: [http://www.epa.gov/oppad001/reregistration/cca/mulch\\_text\\_only.htm](http://www.epa.gov/oppad001/reregistration/cca/mulch_text_only.htm).

### **Initial Regulatory Flexibility Analysis, Hazardous Materials; Transportation of Lithium Batteries.**

PHMSA is publishing this initial regulatory flexibility analysis to aid the public in commenting upon the potential small business impacts of the proposals in the 2 April 2002 notice of proposed rulemaking to amend the requirements in the Hazardous Materials Regulations (HMR) on: (1) Exceptions for "small" and for "mid-size" batteries (i.e., cells up to 5 grams of lithium content and batteries up to 25 grams of lithium content); and (2) exceptions for aircraft passengers and crew. These changes are proposed in order to clarify requirements to promote safer transportation practices; promote compliance and enforcement; eliminate unnecessary regulatory requirements; facilitate international commerce; and make these requirements easier to understand. The full text document location is: <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-11765.htm>.

**DoD Broad Agency Announcement.** The U.S. Army Environmental Quality Technology (EQT) Program has issued a Broad Agency Announcement (BAA) in support of EQT User Requirement A (1.6.a) UXO Screening, Detection, and Discrimination. The BAA is requesting private industry, academia, and government organizations that have technologies that can detect and or discriminate UXO on the surface or under water to apply for funding to demonstrate their technology. Four sites are available for demonstration purposes. Descriptions of all four sites are available on the web at <http://www.uxotestsites.org/>. The BAA is posted at <http://aec.army.mil/usaec/technology/baa0411.pdf>.

**New Source Review Response Stresses Improvements to Permitting Program.** EPA responded on 6 June 2005 to petitions for reconsideration from a number of stakeholders on the Equipment Replacement Provision (ERP) of the Agency's New Source Review (NSR) permitting program. After carefully considering the comments received during the reconsideration process, EPA determined that the ERP should be maintained as adopted in 2003. The ERP offers certainty for industrial facilities by clearly spelling out that the NSR program should not stand as a barrier to equipment replacement activities needed to assure the safe, efficient, and reliable operation of manufacturing facilities. The ERP, in conjunction with other programs such as the Clean Air Interstate Rule, the Acid Rain Program and the National Ambient Air Quality Standards, preserves public health protections provided by the Clean Air Act through the NSR program. Under the ERP facilities cannot increase their emissions past their current Clean Air Act limits. For additional information on the New Source Review Program visit: <http://www.epa.gov/nsr>.

**Characterization, Design, Construction, and Monitoring of Mitigation Wetlands (WTLND-2).** This report was published by the Interstate technology and Regulatory Council (ITRC). To promote the long-term sustainability of mitigation wetlands, this guidance provides developers, consultants, regulators, and communities with example checklists for evaluating and documenting habitat health and measuring other performance criteria of mitigation wetlands. The purpose of this guidance is to identify and simplify the technical elements of sound characterization, design, construction, and monitoring of wetlands mitigation projects. View or download at <http://www.itrcweb.org/Documents/WTLND-2.pdf>. To receive a hard-copy ITRC document in the mail, e-mail your request to [itrc@wpi.biz](mailto:itrc@wpi.biz).

**Perchlorate Treatment Technology Update (EPA 542-R-05- 015).** U.S. EPA's Federal Facilities Forum was produced this issue paper to provide information about technologies available for treatment of perchlorate contamination in environmental media, including technologies that have been used to date and others that show potential for treating such contamination. It provides site-specific information on 51 projects where treatment technologies have been or are being applied for full-scale treatment or field demonstrations. A brief overview of key perchlorate issues, including health effects and risks, regulatory standards and cleanup levels, degradation processes, and treatment technologies, is provided (May 2005, 80 pages). It should be noted that this document

captures only a few of the technical/regulatory issues related to perchlorate that will continue to evolve over the next several months. To view or download please go to <http://clu-in.org/techpubs.htm>.

**Long-Term Monitoring Optimization (EPA 542- R-05-003).** This document, produced by EPA and the U.S. Army Corps of Engineers, focuses on optimization of established long- term monitoring programs for groundwater. It discusses tools and techniques that concentrate on methods for optimizing the monitoring frequency and spatial distribution of wells. The primary goals of this Roadmap are to assist site managers in understanding the steps involved in conducting a Long Term Monitoring Optimization (LTMO), determining if their monitoring program could benefit from a LTMO assessment; identifying potential strategies for applying optimization techniques and evaluating which are appropriate for their program, and providing more information and resources about LTMO tools, methods, and approaches (May 2005, 48 pages). To view or download please go to <http://clu-in.org/techpubs.htm> . For hard copies, contact (800) 490-9198 or (513) 489-8190 or fax to (513) 489-8695.

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## REGIONAL MEETINGS

**Texas Air Group.** This meeting will be held in **Corpus Christi, Texas** on **19-21 July 2005**. For additional information, please contact the REC at (816) 983-3450.

**Missouri Clean Water Forum.** Sponsored by the Missouri Department of Natural Resources, this meeting will be held at the Lewis and Clark Building, **Jefferson City, Missouri** on **27 July 2005**. For additional information, please contact the REC at (816) 983-3447.

**2005 Environmental Conference at the Lake.** This Conference will be held at the Lake of the Ozarks, **Osage Beach, Missouri** on **27-29 July 2005**. Topics to be covered include Resource Conservation and Recovery Act (RCRA) Update, How to expand production and comply with New Source Review (NSR), New final rules for Spill Prevention, Control, and Countermeasures among others. For more information, please go to <http://www.mochamber.com/mocchw/hw.dll?page&file=2005enviroagenda>.

**Southwest Strategy Border Task Team.** This meeting will be held on **28 July 2005** in **Phoenix, Arizona**. For additional information, please contact the Project Manager at (816) 983-3451.

**Texas Environmental Partnership.** This meeting will be held on **9-11 August 2005** at Fort Sam Houston in **San Antonio, Texas**. For additional information, please contact the REC at (816) 983-3450.

**Region 7 Local Emergency Planning Committee 9 (LEPC) and Tribal Emergency Response Commission Conference (TERC).** The conference brings the latest information about hazardous materials, emergency planning and environment. The 2005 conference will also feature a session devoted to health and medical issues. The speakers will address issues of interest to health providers as well as first responders. The Local Emergency Planning Committee (LEPC)/Tribal Emergency Response Commission (TERC) is the main source for information about hazardous materials, emergency planning and environmental risks in the community. EPA and FEMA, in conjunction with private industry, tribal, state and local governments have developed the conference to help LEPCs/TERCs conduct their jobs safely and more effectively. The meeting will be held on **17-20 August 2005** in **Kansas City, Missouri**. For additional details, please go to <http://www.marc.org/gti/lepc-terc.htm>.

**2005 Kansas Environment Conference.** This conference will be held on **23-25 August 2005** at the Hyatt Regency/Century II Convention Center in **Wichita, Kansas**. The 2005 environment conference hosted by the Kansas Department of Health and Environment, Division of Environment, will provide updates on environmental issues, new technologies, regulatory information and pollution prevention. The goal of the conference is to provide businesses, industries, community leaders, consultants, and the public with an understanding of new regulations, current trends in environmental quality, new technologies, advantages of pollution prevention. For more information, please go to [http://www.kdhe.state.ks.us/sbcs/environment\\_conf.html](http://www.kdhe.state.ks.us/sbcs/environment_conf.html).

**KDHE Water Shed Management Seminar.** The Kansas Department of Health & Environment, Bureau of Water, Watershed Management Section is conducting a seminar with various non-point source pollution control projects and local environmental protection programs. The purpose of the seminar is to facilitate communication of project results and activities among all parties interested in non-point source pollution control. These projects have been selected

from the area of the seminar location. The seminar will be held on **3 November 2005** in **Salina, Kansas**. For information, please call (785) 296-4195.

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## TRAINING COURSES AND WORKSHOPS

**USACE PROSPECT Training.** The FY06 Proponent-Sponsored Engineer Corps Training (PROSPECT) Program is now available on line at <http://pdsc.usace.army.mil>. The Purple Book, which includes the proposed scheduled training classes and sessions for FY06, is found at this location. FY06 PROSPECT offering of the following courses:

- **The Complete RCRA Course: From Hazardous Waste Generation, Through Disposal, Corrective Action, and Beyond.** This is a new comprehensive RCRA hazardous waste course. Topics addressed include regulations important to waste generators such as: identifying hazardous waste; determining generator status; complying with accumulation requirements; manifesting waste off site; land disposal restrictions treatment standards; and special regulations for recyclables, used oil, military munitions, and universal waste. The course also instructs on regulations pertaining to treatment, storage, and disposal facilities such as the permitting process; treatment, storage, and disposal facility standards, and RCRA corrective action requirements. Phases of corrective action are covered including identification of solid waste management units and area of concern, interim stabilization measures, the RCRA facility investigation, corrective measures studies, and corrective measures implementation. Special waste management options for remediation waste, such as corrective action management units, staging piles, and temporary units are also addressed. See: [http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl\\_Num=156](http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=156).
- **Hazardous Waste Manifesting & DOT Certification.** This 36-hour course enables Corps personnel to understand the regulatory requirements of RCRA and the Hazardous Materials Transportation Act (HMTA) as it applies to the generation, transportation and disposal of hazardous waste. Topics include RCRA waste classification, land disposal restrictions, generator requirements, manifesting requirements, and DOT requirements such as proper shipping names, packaging, labeling, marking, and placarding. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. [http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl\\_Num=223](http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=223).
- **Hazardous Waste Manifesting 16-Hour DOT Recertification Course.** The 16-hour manifesting refresher course is intended to provide refresher training on DOT requirements to fulfill the recurrent training requirements of 49 CFR 172, Subpart H for general awareness/familiarization training. Students who successfully complete the course will be certified as having been trained and tested to recognize and identify hazardous materials. Course provides DOT certification as per 49 CFR subpart H and DoD 4500.9-R, chapter 204). Course is ISEERB approved. [http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl\\_Num=429](http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=429).
- **Environmental Regulations Practical Application Course.** This is an excellent course for those personnel involved in regulatory compliance issues. Topics covered in this 36-hour course include RCRA waste classification and disposal, DOT shipping, CAA, CWA storm and wastewater discharges, TSCA requirements for management and disposal of PCBs, lead-based paint issues, asbestos, USTs, pesticide management, EPCRA, spill response, and drinking water standards. [http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl\\_Num=398](http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=398).
- **The CERCLA/RCRA Process.** This 24-hour course trains USACE personnel involved with hazardous and toxic waste projects on military and civil works projects in the proper application of CERCLA, RCRA and other relevant environmental laws, regulations, and policies. This course is ISEERB approved. [http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl\\_Num=356](http://pdsc.usace.army.mil/CourseListDetailsNewFY.asp?Cntrl_Num=356).

**US Forest Service Continuing Education Program for Natural Resource Professionals.** The Forest Service Continuing Education (CE-WFW) Program's goal is enhancing productivity and effectiveness of professionals whose work involves or relates to management of rare plants, wildlife, and fish habitats. CE-WFW serves the people who care for the land. By design, the program meets the training needs of entry-level, those new to the FS, and mid- and late-career professionals. All resource areas are invited. The workshops and learning materials are sponsored by a wide variety of groups, from the Forest Service, other federal agencies, and Universities to private vendors. Every

workshop is offered annually (pending adequate participation), integrating current philosophies, techniques and learning methods. For more specific information regarding courses, locations, and dates of the courses, please go to <http://www.fs.fed.us/biology/education/workshops/index.html>. This page provides links to other related informational pages.

**Environmental Negotiations Workshop.** Negotiation and decision making with our colleagues, regulators and the public often dictate the success of environmental cleanup and compliance programs. This workshop provides the insight and skills to become better communicators and negotiators in matters involving complex health and environmental concerns. CECOS offers the Environmental Negotiation Workshop tuition-free to all DOD. This stimulating three-day class provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision-making. Case studies and role-playing provide an opportunity for every student to apply the information presented in class. This class is open to all DOD personnel at no cost, and DOD contractors with sponsorship and proof of need. The course will be held at **Aberdeen Proving Grounds, Maryland on 26-28 July 2005**. For more information and registration, please visit the CECOS web site <https://www.cecoc.navy.mil/courseDetail.cfm?courseid=20>

**14<sup>th</sup> Annual ITAM Workshop.** In accordance with the FY05 ITAM Workshop Memo, DAMO-TRS has chosen Camp Atterbury and ERDC as hosts for the FY05 ITAM Workshop. The 2005 ITAM Workshop will be held from **1 - 4 August 2005** in **Indianapolis, Indiana**. Please go to <http://srp.army.mil/public/workshop/14th/14thworkshop.aspx> to keep abreast of additional details regarding this important workshop.

**The Nuts and Bolts of Brownfield Redevelopment for Local Governments.** EPA, the Northeast-Midwest Institute, and the University of Illinois at Chicago Great Lakes Center for Environmental Training (in cooperation with HUD) will be presenting a training course which covers the broad range of activities that local governments and others need to know in order to successfully identify, clean up, and redevelop Brownfields. The course will be offered in **Kansas City, Missouri on 1-5 August 2005**, and is open to all who may be interested. The course includes presentations by local governments and others who are experienced in Brownfield redevelopment, and hands-on case studies including site visits. This intensive course has received very strong reviews from past participants. For more information, please go to <http://128.248.232.70/glakes/ce/courseDetail.asp?GID=301> or call (913) 551-7450.

**Environmental Regulations – Practical Application.** This course is designed to further basic understanding and ability to apply the technical requirements of various major federal environmental regulations. This course consists of a review of the technical application of selected environmental requirements pertinent to compliance issues. It will not consist of an exhaustive, detailed study of environmental statutes and regulations. This course is comprised of discussions and practical exercises pertaining to the technical application of various environmental regulations such as RCRA waste classification and generator standards, used oil management, NPDES wastewater and stormwater requirements, SPCC plans, PCB management, Clean Air Act regulations, USTs, SWDA requirements, Spill reporting, Pesticide management, Hazardous materials transportation, and EPCRA requirements. The course also includes a brief introductory session on environmental management systems addressed in EO 13148. This course focuses on the practical application of these regulations during day-to-day compliance activities at DoD installations, Corps construction projects and Civil Works Projects and Facilities. The course will be held **8-12 August 2005** in **Omaha, Nebraska**. The course is 36 hours, offers 2.2 Continuing Education Units and 22 Professional Development hours. If interested contact the Registrar at the Training Center at (256) 895-7425 or 7421. The Course Control Number is 398. Course Number: 33MEC01A. Additional training courses can be found at <http://pdsc.usace.army.mil/>.

**Strategic Conservation Planning: Using the Green Infrastructure Approach.** Green Infrastructure represents an interconnected network of natural areas and working landscapes that support native species, maintain ecological processes, sustain air and water resources. Through lecture, case studies, and class exercises, this course will introduce participants to the concepts and values of green infrastructure; to innovative tools and techniques for planning, designing, and implementing green infrastructure networks; and to successful approaches for integrating green infrastructure into local, regional, state and national land use plans, policies, practices, land protection strategies, watershed planning, and community decisions. The instructor team is from federal, state, and/or local government and non-government organizations. The course will be held on **26-29 September 2005** in **Shepherdstown, West Virginia**. For additional information, please go to <https://otis.fws.gov/> and enter course code ECS3146 or call (304) 876-7471.

**Historic Preservation Law and Section 106 Compliance Course.** This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. (24 hours – class finishes 1630 hrs each day) This is an ISEERB approved course. This Course is ACHP recognized. The course is scheduled for **19-21 September 2005** in **Great Lakes, Illinois**. For more information or to register, please visit <https://www.cecos.navy.mil>.

**Partners in Environmental Technology Technical Symposium & Workshop.** Sponsored by Strategic Environmental Research and Development Program (SERDP) and Environmental Security Technology Certification Program (ESTCP), the 2005 Partners in Environmental Technology Technical Symposium & Workshop will take place **29 November- 1 December 2005** in **Washington, DC**. For information as it becomes available, please go to <http://www.serdp.org/symposiums/symposiums.html> or e-mail [partners@hgl.com](mailto:partners@hgl.com) or call (703) 736-4548 with any questions.

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## CONFERENCES AND SYMPOSIUMS

**Third Annual Toxic Industrial Chemicals and Materials Symposium.** The Third Toxic Industrial Chemical (TIC) Symposium's goals are: 1) to provide a forum for Government and Industry to discuss TIC threats and defense requirements and capabilities for detection, protection, decontamination, and medical response, 2) to present results from recent research and development studies conducted in both the DOD and DHS sectors, and 3) to display new equipment, software, algorithms, and procedures for planning and dealing with TIC incidents. The symposium will be held in **Richmond, Virginia** on **12-14 July 2005**. For specific details, please go to <http://www.ticsandtims.com/>.

**Second Conference on Sustainable Range Management.** The Second Conference on Sustainable Range Management will be held in **San Antonio, Texas** on **22-25 August 2005**. The Conference is designed to facilitate exchange of information among all stakeholders concerned with how military ranges and training areas can be used to test and evaluate weapon systems and train DoD personnel without conflicting with economic, environmental, and other concerns. The technical program will consider the many issues including operational range management, urban encroachment, frequency and airspace competition, munitions constituents and UXO, protection of endangered species, protection of air quality, sustainability of the maritime environment, noise abatement, and outreach. For additional information, please go to <http://www.rangecon.org/>.

**AWMA Workshop: Understanding the Changing World of New Source Review (NSR).** The world of NSR is one of the most complex and ever changing issues today. To understand these changes, the workshop will endeavor to show where each version of the rule applies; explain the basics of the major NSR permit requirements (BACT, LAER, etc.); discuss the applicability criteria for each version of the rule, allowing you to determine whether major NSR applies to a project; update you on the latest enforcement initiatives, settlement agreements, and court decisions; and provide an idea of what's in store for NSR rules and programs in the near future. The workshop will be held in **New Orleans, Louisiana** on **8-9 September 2005**. For additional information, please go to <http://www.awma.org/events/workshops/NSR04/default.asp>.

**EPA Region 6: 15th Annual Quality Assurance Conference.** This conference is sponsored by Region 6 EPA will be held on **17-21 October 2005** in **Dallas, Texas**. Session E on 20 October will focus on perchlorate in terms of occurrence, fate, and analysis. Other topics that will be discussed include National Environmental Laboratory Accreditation Conference (NELAC)/National Environmental Laboratory Accreditation Program (NELAP) status, Texas Laboratory Accreditation Program Update and technically focused presentations. For more information, please go to <http://www.epa.gov/Arkansas/6pd/qa/index.htm>.

**2005 National Conference of the Academy of Certified Hazardous Materials Managers.** The 2005 national conference of the Academy of Certified Hazardous Materials Managers (ACHMM) will be held **25-29 September 2005** in **St. Louis, Missouri**. The ACHMM conference will feature 48 technical sessions, environmental and health and safety regulatory updates, and provides an opportunity to network with professionals in hazardous materials management. Featured speakers include Richard Preston, nationally recognized expert on emerging diseases and biotechnology, who will delve into the government's response to the anthrax attacks of October 2001.

Edward Badolato, Vice President for Homeland Security, the Shaw Group, will describe closed-door sessions at the White House to brief ACHMM on the existing threat to the hazardous material and transportation infrastructure industry. This conference is co-hosted by the Academy of Certified Hazardous Materials Managers, in cooperation with the University of Kansas Continuing Education. For full details or to register, call toll-free (877) 404-5823 or (785) 864-5823 or click <http://www2.kuce.org/achmm/>.

**AUSA 2005 Annual Meeting & Exposition, Call to Duty - 230 Years of Service to Our Nation.** The AUSA Annual Meeting, the world's largest land-power forum, brings together America's Army including Active, Guard and Reserve, retirees, family members and civilians. The three-day event includes:

- Contemporary military forums
- Family forums
- Industry and military exhibitions
- Social events
- Award presentations

The conference is scheduled for **3 - 5 October 2005** in **Washington, DC**. For more information, please go to <http://www.ausa.org/AM2005.nsf/Home?OpenForm>.

**Water Environment Federation 78<sup>th</sup> Annual Technical Exhibition and Conference.** WEFTEC.05 (Water Environment Federation's Technical Exhibition and Conference), will be held in **Washington, DC** between **29 October and 2 November 2005**. WEFTEC will provide insights into developments, regulations, and research, as well as into both emerging technologies and proven approaches to everyday water quality challenges. For additional information, please go to <http://www.weftec.org/index.htm>.

**Annual Groundwater Foundation Conference.** The Groundwater Foundation's 2005 Annual Conference will focus on the intersection of scientific knowledge, the technical tools that result, and on-the-ground practices by water managers, consumers, and communities. The 2005 conference will feature high tech advances and new human approaches. Presentations will focus on diverse settings including best practices in rural, urban, and watershed settings. The meeting will take place on **2-4 November 2005** in **Nebraska City, Nebraska**.

**Brownfields 2005.** The 2005 national brownfields conference sponsored by EPA and ICMA will be held in **Denver, Colorado** on **2-4 November 2005**. This year the Department of Defense will announce that numerous military base closings, affecting dozens of communities across the country. Because of the pending base realignment and closure (BRAC) process, as well as the similarities between brownfields and military base cleanup and reuse, this conference will feature a set of technical sessions and mobile workshops focused on the remediation and redevelopment aimed at BRAC sites. For more information about Brownfields 2005 or to register on line, see <http://www.brownfields2005.org>.

**2005 NGWA Remediation Conference: Site Closure and the Total Cost of Cleanup.** This third annual Remediation Costs Conference is all about the actual costs to close sites. This year, optimization and performance modeling to the conference topics have been added. The event will blend modeling with remediation and focus on actual remediation projects and the costs associated with numerous remediation technologies. Case studies will include industrial sites, landfills, petroleum and chlorinated solvent sites, and much more. The conference will also feature an industry display area, workshops, concurrent sessions, and panel discussions of competing technologies. Full proceedings will be published on CD-ROM. The conference will be in **New Orleans, Louisiana** on **7-8 November 2005**.

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**Acronyms and Abbreviations** The list of acronyms and abbreviations can be found on the AEC web site at <http://aec.army.mil/usaec/reo/creo03.html> and on DENIX at <https://www.denix.osd.mil/denix/State/Partnering/REC/rec.html> (click Information Library).

ACSIM = Assistant Chief of Staff for Installation Management  
ADEQ = Arkansas Department of Environmental Quality  
AEA = Atomic Energy Act of 1954  
AEDB = Army Environmental Database  
AFCEE = U.S. Air Force Center for Environmental Excellence  
AFIT = Air Force Institute of Technology

AIMO = Associated Industries of Missouri  
ANPR = Advance Notice of Proposed Rulemaking  
ANSI = American National Standards Institute  
APA = American Planning Association  
APC&EC = Arkansas Pollution Control and Ecology Commission  
AQCR = Air Quality Control Region  
AQI = Air Quality Index  
AST = aboveground storage tank  
ASTM = American Society for Testing and Materials  
ASTSWMO = Association of State and Territorial Solid Waste Management Officials  
ATV = all-terrain vehicle  
AWMA = Air & Waste Management Association  
BAT = best available technology  
BIA = Bureau of Indian Affairs  
BOR = Bureau of reclamation  
BRAC = Base Realignment and Closure  
CAA = Clean Air Act  
CADD = computer-aided design and drafting  
CAM = compliance assurance monitoring  
CAMU = corrective action management unit  
CARB = California Air Resources Board  
CBT = computer-based training  
CCAR = Coordinating Committee for Automotive Repair  
CCP = Comprehensive Conservation Plan  
C&D = construction and demolition  
CECOS = Civil Engineer Corps Officers  
CEPPO = Chemical Emergency Preparedness and Prevention Office  
CERCLA = Comprehensive Environmental Response, Compensation and Liability Act  
CESQG = conditionally exempt small-quantity generator  
CFC = chlorofluorocarbon  
CFR = Code of Federal Regulations  
CHPPM = U.S. Army Center for Health Promotion and Preventative Medicine  
CINWL = commercial industrial nonhazardous waste landfill  
CISWI = commercial and industrial solid waste incinerator  
CO = carbon monoxide  
CREO = Central Regional Environmental Office  
CSR = Code of State Regulations  
CTIC = Conservation Technology Information Center  
CTT = closing, transferring and transferred ranges  
CWA = Clean Water Act  
DAC = Defense Ammunition Center  
DBP = disinfection byproduct  
DBPR = Disinfectants and Disinfection Byproducts Rule  
DEI = Directorate of Environmental Integration  
DENIX = Defense Environmental Network & Information eXchange  
DERP = Defense Environmental Restoration Program  
DFW = Dallas/Fort Worth  
DNT = dinitrotoluene  
DoD = U.S. Department of Defense  
DOE = U.S. Department of Energy  
DOI = U.S. Department of Interior  
DOT = U.S. Department of Transportation  
DRMS = Defense Reutilization and Marketing Service  
DSMOA = Defense/State Memorandum of Agreement  
EA = environmental assessment  
EAC = Early Action Compact  
ECAS = Environmental Compliance Assessment System  
ECHO = Enforcement and Compliance History Online  
ECOS = Environmental Council of the States  
ECSR = Environmental Compliance Status Report

EIS = environmental impact statement  
EMR = environmental management review  
EMS = environmental management system  
EO = executive order  
EPA = U.S. Environmental Protection Agency  
EPAS = Environmental Performance Assessment System  
EPCRA = Emergency Planning and Community Right-to-Know Act  
ER = environmental restoration  
ERC = Emission Reduction Credit  
ERTP = Environmental Response Training Program  
ETMD = Environmental Training and Management Division  
EVR = Enhanced Vapor Recovery  
FAA = Federal Aviation Administration  
FEIS = Final Environmental Impact Statement  
FIFRA = Federal Insecticide, Fungicide and Rodenticide Act  
FFEO = Federal Facilities Enforcement Office  
FM = facilities management  
FR = Federal Register  
FS = Feasibility Study  
FUDS = Formerly Used Defense Sites  
FY = fiscal year  
GAO = General Accounting Office  
GCP = general construction permit  
GIS = geographic information system  
gpd = gallons per day  
GSA = General Services Administration  
HAP = hazardous air pollutant  
HAZMAT = hazardous materials  
HAZWOPER = Hazardous Waste Operations and Emergency Response  
HB = House Bill  
HGA = Houston/Galveston Area  
HJR = House Joint Resolution  
HM = hazardous material  
HMIRS = Hazardous Materials Information Resource System  
HMIWI = hospital/medical/infectious waste incinerator  
HMX = high melting point explosive  
HQ = headquarters  
HRVOC = highly-reactive volatile organic compounds  
HSB = House Study Bill  
HTRW = hazardous/toxic and radioactive waste  
IAC = Iowa Administrative Code  
IBR = Incorporated By Reference  
IDNR = Iowa Department of Natural Resources  
IESWTR = Interim Enhanced Surface Water Treatment Rule  
I&M = inspection and maintenance  
IMI = Installation Management Institute  
INSTEP = International Society of Technical and Environmental Professionals  
ISEERB = Interservice Environmental Education Review Board  
ISO = International Organization for Standardization  
ISR = Installation Status Report  
ITAM = Integrated Training Area Management  
ITRC = Interstate Technology Regulatory Council  
JRTC = Joint Readiness Training Center  
KAR = Kansas Administrative Rules  
KCMA = Kansas City Metropolitan Area  
KDA = Kansas Department of Agriculture  
KDHE = Kansas Department of Health and Environment  
kW = kilowatt  
LAC = Louisiana Administrative Code  
LAMW = low-activity mixed waste

LANL = Los Alamos National Laboratory  
LB = legislative bill  
LDEQ = Louisiana Department of Environmental Quality  
LDR = land disposal restriction  
LLRW = low level radioactive waste  
LPDES = Louisiana Pollutant Discharge Elimination System  
LPST = leaking petroleum storage tank  
LQG = large quantity generator  
LT1ESWTR = Long Term 1 Enhanced Surface Water Treatment Rule  
LT2ESWTR = Long Term 2 Enhanced Surface Water Treatment Rule  
LUC = land use control  
LUST = leaking underground storage tank  
MACT = maximum achievable control technology  
MCL = maximum contaminant level  
MCLG = maximum contaminant level goal  
MDNR = Missouri Department of Natural Resources  
MDS = minimum desirable streamflow  
MSDS = Material Safety Data Sheet  
MEG = Military Environmental Group  
MEGCs = multiple-element gas containers  
MEK = methyl ethyl ketone  
mg/L = milligram per liter  
mg/yr = megagrams per year  
MMR = Military Munitions Rule  
mph = mile per hour  
MP&M = metal products and machinery  
M2R = Military Munitions Rule  
mrem = millirem  
mrem/yr = millirem per year  
MRDLGs = maximum residual disinfectant level goals  
MS4 = municipal separate storm sewer system  
MSDS = material safety data sheet  
MSWG = Multi-State Working Group  
MSWLF = municipal solid waste landfill  
MSWTS = municipal solid waste transfer station  
MTBE = methyl tertiary butyl ether  
MVECP = Motor Vehicle and Engine Compliance Program  
MVEB = Motor Vehicle Emission Budget  
MWC = municipal waste combustion  
NAAQS = National Ambient Air Quality Standard  
NAICS = North American Industry Classification System  
NDEQ = Nebraska Department of Environmental Quality  
NDIA = National Defense Industrial Association  
NEPA = National Environmental Policy Act  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
NFPA = National Fire Protection Association  
NGWA = National Ground Water Association  
NHPA = National Historic Preservation Act  
NMAC = New Mexico Administrative Code  
NMED = New Mexico Environment Department  
NO<sub>x</sub> = nitrogen oxides  
NORM = naturally occurring radioactive material  
NPDES = National Pollutant Discharge Elimination System  
NRC = Nuclear Regulatory Commission  
NREO = Northern Regional Environmental Office  
NREP = National Registry of Environmental Professionals  
NSP = new source performance  
NSR = new source review  
OAC = Oklahoma Administrative Code  
ODEQ = Oklahoma Department of Environmental Quality

OE = ordnance and explosives  
OFR = Office of the Federal Register  
OMB = Office of Management and Budget  
OMEG = Oklahoma Military Environmental Group  
ORVR = onboard refueling vapor recovery  
OSHA = Occupational Safety and Health Administration  
OSPR = Oil Spill Prevention and Response Act  
OSSF = on-site sewage facility  
OSWER = Office of Solid Waste and Emergency Response  
P2 = pollution prevention  
PASS = Permit Application Software System  
PAL = plant-wide applicability limitation  
PBR = permit by rule  
PBT = persistent bioaccumulative toxin  
PCB = polychlorinated biphenyl  
pCi/L = picocurie per liter  
PEMS = Predictive Emission Monitoring Systems  
PER = Permitting for Environmental Results  
PHMSA = Pipeline And Hazardous Materials Safety Administration  
P.L. = public law  
PM = particulate matter  
PM<sub>2.5</sub> = Fine Particulate Matter with a diameter smaller than 2.5 microns  
POC = point of contact  
POM = Program Objective Memorandum  
POTW = publicly owned treatment works  
ppb = part per billion  
ppm = part per million  
PRP = potentially responsible party  
PSD = prevention of significant deterioration  
PST = petroleum storage tank  
PSTTF = Petroleum Storage Tank Trust Fund  
PTE = potential to emit  
PWS = public water system  
RACM = reasonably available control measures  
RACT = reasonably available control technology  
RCRA = Resource Conservation and Recovery Act  
RDX = Royal Demolition eXplosive  
REC = Regional Environmental Coordinator  
REGFORM = Regulatory Environmental Group for Missouri  
RFG = reformulated gasoline  
RI = remedial investigation  
RICE = reciprocating internal combustion engine  
ROD = record of decision  
SAME = Society of American Military Engineers  
SB = Senate Bill  
SDWA = Safe Drinking Water Act  
SDWIS = Safe Drinking Water Information System  
SERDP = Strategic Environmental Research and Development Program  
SIC = Standard Industrial Classification  
SIP = State Implementation Plan  
SM = Senate Measure  
SO<sub>2</sub> = Sulfur dioxide  
SPCC = Spill Prevention, Control, and Countermeasure  
SQG = small quantity generator  
SREO = Southern Regional Environmental Office  
TAC = Texas Administrative Code  
TBD = to be determined  
TCEQ = Texas Commission on Environment Quality  
TCM = transportation control measure  
TDS = total dissolved solids

TEFs = Toxicity equivalency factors (related to dioxins)  
TEQ = Toxicity equivalency (related to dioxins)  
TERP = Texas Emissions Reduction Plan  
TIM = Transformation of Installation Management  
TMDL = total maximum daily load  
TPDES = Texas Pollutant Discharge Elimination System  
TRI = Toxics Release Inventory  
TRI-DDS = Toxics Release Inventory – Data Delivery System  
TRRP = Texas Risk Reduction Program  
TSCA = Toxic Substances Control Act  
TSP= Total Suspended Particulate  
tpy = tons per year  
TNT = trinitrotoluene  
TXEP = Texas Environmental Partnership  
UIC = underground injection control  
UN = United Nations  
USACE = U.S. Army Corps of Engineers  
USAEC = U.S. Army Environmental Center  
U.S.C. = United States Code  
USFWS = U.S. Fish and Wildlife Service  
USGS = U.S. Geological Survey  
UST = underground storage tank  
UXO = unexploded ordnance  
VOC = volatile organic compound  
WET = whole effluent toxicity  
WMM = waste military munitions  
WQBEL = water quality-based effluent limit  
WQMP = Water Quality Management Plan  
WREO = Western Regional Environmental Office  
ug/L = microgram per liter

